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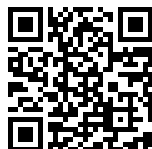
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THREE LETTERS

TO

Dr. PRICE,

CONTAINING

REMARKS on his OBSERVATIONS

ON THE

Nature of Civil Liberty, the Principles of Government,
and the Justice and Policy of the War with America.

They serve to bark at government in the open streets, and keep up the wholesome spirit of clamor in the common people. And, Sir, you cannot conceive the use of clamor: it is so teasing to a minister, it makes him winch and fret, and grow uneasy in his post.—Ah! many a comfortable point has been gained by clamor.

Dr. WOLFE, in the Non Juror.

By a MEMBER of Lincoln's Inn, F. R. S. F. S. A.



L O N D O N,

Printed for T. PAYNE, at the Mews-Gate; J. SEWELL,
Cornhill; and P. ELMSLY, in the Strand.

MDCCLXXVI.

P R E F A C E.

IT was not, I confess, from any high opinion I had entertained of Dr. Price's political or philosophical abilities, that I sat down to read his *Observations*. Not the *writer*, but the *subject*, engaged me. At first I gave them only a cursory perusal; on that perusal they seemed to present to me what I had expected—abuse of terms—confusion of ideas—intemperate ebullitions of misguided zeal—gloomy pictures of a disturbed imagination; all the effect I apprehended from the *book*, arose from the opinion which I was told the public had of the *author*. I could not bring myself to conceive, that by any thing in these *Observations* a single person

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would

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would be convinced, who was not convinced before; but I could easily conceive that many people might embrace that side of the question, on hearing that Dr. Price had written in favour of it.

Considering the Doctor as a man of integrity, as expressing what he really felt, I honoured the motive which led him to the work, and only smiled at the execution of it. For probity I gave him credit; I lamented only that he had not clearer views;—in a word, my respect for the *man* converted into pity what I might otherwise have felt for the *author*.

Soon however it appeared that no common pains were taken to circulate, or (in the bookseller's phrase) to *puff* the work. I did not hastily give up my opinion of the Doctor's integrity.—To his *friends* then, and not to *him*, was I candid enough to attribute these indécent manœuvres.

He has acted, thought I, with no unbecoming dignity. He contents himself with telling us that “the Observations are
“ *im-*

“ *important* as well as just ;” that “ he
 “ could not make himself *easy* without
 “ offering them to the public.”—And why
 should he not put himself at his ease?—It
 is not his fault that the zeal of his friends
 is too fierce to be restrained ; too head-
 strong to be guided.

The quick circulation of the work they
 seem indeed to have considered as essential
 to the very being of this *sinking country* ;
 as the only means of snatching “ the
 “ kingdom from an edge so perilous *.”
 Circulate therefore it must, at whatever
 rate. Large extracts from it they got in-
 serted in the public papers ; they held it
 out to the world as unanswerable. They
 went a step farther—for the gentlemen are
inventive—they declared the ministry had
 used *undue* means to suppress the sale of it ;
 and at last—for the gentlemen are *modest*
 —they proposed that a subscription should
 be set on foot to enable the sons of free-

* Observations, p. 33.

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dom to distribute gratis this *manual* of liberty, physical and moral, religious and civil*.

The zeal of his friends stopt not here ; these were only marks of *private* approbation ; they determined that the stamp of *public* applause should be set on these *important* Observations. How to obtain it ? That was the question.

A certain court there is, “ distinguished ” we are told “ for giving an example of “ zeal in the cause of liberty † ; ” not

* The Doctor has completely justified the application of this term *manual*. A cheap edition of this pamphlet has been advertised for a guinea a hundred, in the same manner as *Manuals* of devotion, *quack* medicines, &c. This and the other proposals alluded to, appeared at the time in several of the public papers.

† See Dr. Price’s letter to the town-clerk. “ *Tempora mutantur, nos et mutamur in illis*,” Not *always* was the city of London so distinguished for giving an example of zeal in the cause of liberty. So at least we learn from unexceptionable authority ; from the learned *sister* of the present patriotic lord mayor.—On the *servility* of the city

quite so distinguished for discernment perhaps, but at least as *ductile*, as that of the Areopagus of old. Here then they deter-

she is frequently and pointedly severe: she represents it, in her History of the Commonwealth and Usurpation, as alternately licking the hand that flattered, and crouching beneath the whip that threatened.—Did the parliament gain power? With the good citizens the parliament was all in all.—Did Cromwell drive out the parliament? Cromwell was their lord.—Cromwell dies, the parliament resumes the reins; the memory of Cromwell becomes odious, again the parliament is all in all. Lambert heads the army, and establishes a military council; the parliament is nothing, Lambert and his council are the deliverers of the nation.—Monk disperses Lambert; Monk is their hero.—Monk proposes to restore the second Charles without a single stipulation in favour of the people; it was the city of London that “was the centre of all the *wicked* cabals, which produced the return of *national slavery* ;” it was the city of London which was “among the most forward in offering servile incense to the *new established idol* *.”—As our days have produced neither Lamberts, nor Cromwells, nor Monks, the good city is content to be driven by *meaner* men.

* See Mrs. Macauley's History, vol. v. p. 342. et passim.

mined to apply. They aimed at no common things :—*a vote of thanks—the freedom of the city—a gold box.*—They aimed; and they succeeded. The *great council* of the city bestowed on the writer of a six-penny pamphlet what was thought an adequate reward for the services of a Pitt *.

If before, the Doctor's friends had given proofs of invention and modesty, here they gave proofs of political skill and manage-

* The author of these sheets has been accused of inaccuracy in the statement of the respective rewards bestowed by the city on Mr. Pitt and Dr. Price. "The pamphlet," he has been told, "was not a *six-penny*, but a *two-shilling* pamphlet;" and "the *box* given to Mr. Pitt cost *one hundred guineas*; that to Dr. Price only *fifty pounds*." The reader will judge of the weight of these objections. The Doctor's pamphlet is now something less than a *three-penny* pamphlet. That objection then is removed. As to the respective value of the boxes, the objection remains in its full force; and to confess an honest truth, the objector appears right in one thing: in the *weight* of the boxes *alone* consists perhaps the *whole* value of the present.

ment.

ment. Their party had been prepared by circular letters; all was still, till the avowed business of day was over, and many of those, not in the secret, were retired; then, in defiance of a standing order and an established custom*,—such was the eloquence of *one* man,

“ Whose voice sonorous charms the listening cit”—

The Doctor's arguments were first resolved, by these competent judges, to be

* If I am rightly informed, and I have my information from a deputy of one of the wards, there is a standing order, “ That when any question is moved, which affects the *city case*, that question shall stand over to another court.” This order was dispensed with in the present case. It is likewise customary, “ That when a motion is made to confer the freedom of the city on a stranger, that motion shall stand over to another court.” This custom was broke through. From the same authority I learn, that of some few more than a hundred members, who are said to have been present at the passing of this vote, eighty had been previously prepared by private circular letters to vote in favour of the motion.

unanswer-

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unanswerable; then public thanks, the freedom of the city in a gold box were voted, as but adequate rewards for writing *Observations*, which many of the voters frankly owned they had *never read*.

In courtiers to be sure such a conduct would have been intolerable. To have waited till the house was thin, the members in opposition retired, and then to have given the public money to one of his own dependents, would, and deservedly, have damned a minister. But when *patriots* are to be served, oh! the case is altered. To recompence a *patriot author*, a grant of public honours and of public money may be *smuggled*: to serve a *patriot candidate*, the *mansion* of the chief magistrate may be turned into a *cake-house*.—" *To the pure, all things are pure.*"

It was scarcely possible that such repeated efforts should be altogether without effect;—curiosity at least would be excited; men would be tempted to give a second and more attentive perusal to a
book,

book, on which so *wise* a body as the* city of London had bestowed so uncommon a reward. On this second perusal, my opinion of the writer remained the same—of the man my opinion wavered.

It wavered—but not long. When I saw him lend his hand to these manœuvres—publish his *cheap* edition †—charged with gross miscalculations, yet refusing either to disprove the charge, or retract his errors, because forsooth his accusers are nameless; — charged with false reasoning, and defending himself by the most *servile* of all pleas—that some body else had argued so before him; — scattering firebrands around him; and when he thought all was

* It was, I think, Charles II. who said of the good citizens in his days—“ When I contemplate “ their *wisdom*, I *admire* their *riches*; and when I “ contemplate their riches, I admire their “ wisdom.” -

† The reader may be informed *here* as well as any where, that the edition referred to in the following Letters is this *cheap* edition,¹ called I think the ninth.

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in a flame, retiring snugly to his own cell, and calling out—" *I love quiet too well* *"—to explain the reasons, or vindicate the propriety of my conduct;—then indeed my opinion of the man no longer wavered: from that moment his integrity as a man, and his abilities as a writer, stood with me in equal estimation.

He who runs a-tilt at a whole nation is surely a fair object of attack; in this case particularly no apology could be necessary; every *critique* upon such a work must be considered as a favour done to the author and his friends. He who criticises, contributes to circulate a work; and such in the opinion, both of the author and his friends, is the merit of this work, that to extend its circulation is to extend *his* fame, and to accomplish *their* wishes.

My original intention however was only to have pointed out some of the gross errors in the *first* part of the Doctor's Ob-

*: See the Preface to the Observations.

servations ;

servations ; that part of which he seems to speak with peculiar complacency, as containing *new* matter ; and that part of which none of his answerers, so far as I had seen, had condescended to take any notice.— This I thought might be done through the channel of a news-paper* : a channel which presented itself the more naturally, as the Doctor, or his friends, had already made use of it to spread his principles abroad.

But I soon found that I had miscalculated.—The work increased upon my hands ; error after error, contradiction after contradiction, started up ; every line teemed with them. I saw that my answer would be too *long* to be comprised within the limits allowed in that mode of publi-

* A part of these sheets appeared in the *Gazetteer*, under the signature of *Attilius*. I take this opportunity of thanking the managers of that paper, for the readiness with which they admitted these letters, though written on what is called the unpopular side of the question.

cation, in many places too *dry* to be adapted to the taste of those who form the bulk of the readers of the public papers.

Another inconvenience followed: the public was pestered with answers so totally void of argument, of wit or humour, that I was half afraid of being accused of having hired men to *pretend* to answer me *.

The mode then of publication which I at first had chosen I now abandoned, and determined to present my remarks to the

* The most voluminous of these answerers styles himself *Regulus*. Argument he adduces not—to satire he pretends—the whole sting of it consists in this—that *I am a Scotchman*.—The man is mistaken; but I led him into the mistake—I had said something of having “a little Scotch blood in my veins;”—and a little Scotch blood, it seems, is more efficacious than a little leaven: it does not barely infect, it changes the whole mass; and that not only in the subject into which it is admitted, but into all that come in contact with it. My friend too was made a Scotchman. But let him make the most of it. I acknowledge without a *blush*, that some of the blood of the Campbells and the Hays does circulate through my veins.

public

public in the present form. The epistolary style I did not now *adopt*, but *retain*. I retained it, perhaps, not as the most proper, but as best suited to that which was already written, and which I meant to incorporate into what was to be added.

For though I changed the mode, I did not change, nor much extend my original design: to that I confined myself, namely, to refute what the Doctor calls his “one leading *principle*,” and the “indisputable consequences deduced from it.” To substitute other more intelligible principles in its stead;—to apply these principles to the present controversy between Great Britain and her colonies;—to shew that neither the claims set up by parliament, nor the mode made use of to enforce them, are novel, or unconstitutional;—to shew, that however repugnant they may be to some of the *indisputable consequences* drawn by the Doctor from his one leading principle, yet to other consequences—

quences—equally indisputable I presume, because classed under the same title, and drawn from the same principle—they are perfectly reconcileable.

By confining myself to these limits, it has of necessity happened, that many exceptionable passages have passed unnoticed; many false assertions unreproved; many contradictions unexposed.—These however, some of them at least, have been taken notice of by others.

Neither in refuting the errors of the Doctor, nor in establishing my own principles, have I, to the best of my knowledge, advanced any hasty propositions, calculated only to serve a particular turn. Had the present disputes never happened, these principles would have been true; when these disputes shall be forgotten, these principles will not cease to be true*. But though always

* It too often happens, that men engaged in political controversies advance propositions which serve
a pre-

true, they appeared more particularly seasonable at the present juncture, when such pains have been taken to circulate and give credit to principles inconsistent with the British constitution.

True indeed it is what Dr. Price has told us—that “ matters are gone too far ;
 “ the dispute must probably be settled another way ; and the *sword* alone is now
 “ to determine what the rights of Britain
 “ and America are *.”

a present turn, without reflecting on the consequences that may be drawn from them. Thus the author of “ Experience preferable to Theory,” speaking of civil liberty, says, “ but this freedom
 “ does not depend upon the *form* of government.” Mr. Pope had said before him,

“ For *forms* of government let *fools* contest ;
 “ Whate’er is best administered, is best.”

But if from the frame and construction of it, there are infinitely more chances that one given form of government will be better administered than any other, then surely that form is worth contending for ; then surely freedom *does* depend upon the form of government.

* Observations, p. 15,

Whatever

Whatever truth there may be in this objection, it falls with equal weight on his Observations as on my Remarks. He did not conceive that things were gone so far, but that still there was time "to reason," as he calls it, on the "subject;" he despairs not of divesting us of what he calls "national prejudices *," and inducing us to join with him in fasting and praying, and *curfing* the measures of government. With what success he has met I know not. Should I be able to undeceive one dupe of faction; to reconcile one honest man to the measures of government—to those very measures which the majority of the nation has demanded—I shall not think myself ill rewarded.

For it is something remarkable that our worthy Doctor, who declares all magistrates to be only *deputies, trustees*, to carry the will of the *people* into execution; who then goes on to detest and curse the pre-

* Observations.

sent war as unjust, unconstitutional, and impolitic ; yet at the same time confesses, that this very war is waged to support the claims of the *people*—that people to whose instructions and controul the magistrates ought to be subject.—Speaking of the body of the people, he says,—“ *We* have “ been used to speak of the colonies as “ *our* colonies.”—“ The meanest person “ among us is disposed to look upon him- “ self as having a body of subjects in “ America ”—These are “ the *natural* “ prejudices of this *country* *.” Strange that the same man should tell us, that it is the duty of the magistrate to follow the voice of the people—should allow that the voice of the people calls aloud for coercion—and should then call those magistrates “ *scourges*,” and that government a “ *curse*,” who, by his own account, in applying coercion, do only what they are bounden to do.

* Observations.

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One word about the mode of conducting this address.

Of *nameless* antagonists the Doctor seems to speak with sovereign contempt:—Why then did I not subscribe my name to this address?

I do not mean to disturb *the quiet* of the worthy Doctor—I expect no answer; to *him* then it can be of little consequence to know from whom the Letters come. As little is the *public* concerned to know by whom they are written. The points before the public are,—What are the arguments? How are they expressed? How supported?—By whom they are advanced it imports not them to know.

In point of argument, in point of style, I thought myself an equal match for the Doctor.—It may *appear* vanity to *say* so; but had I not *thought* so, it would not barely have *appeared*, it would have *been* impertinence to have obtruded upon the public. In point of *name* I felt my inferiority;—and on political subjects, above
all

all others, the weight of name is often greater than the weight of argument.

The meek Doctor has already complained of the want of *candor* in his answerers ;—of the *unhandsome* manner in which they treat him ;—of the *abuse* they have thrown on him.—Whether I shall be classed by *him* among these uncandid, unhandsome, abusive answerers, I know not, nor am I very anxious to know.—True it is I have sometimes laughed ;—but the reader I hope will perceive, that where sober argument has been offered, I have endeavoured to answer soberly ; and a man must laugh,

“ Where to be grave exceeds all pow’r of
“ face.”

But suppose I had been guilty of asperity ; suppose I had treated him with a ridicule which bordered on contempt ; suppose I had even *railed*—I might have degraded *myself* ; to *him* I *could* not have given just cause of complaint. Is it to the saints alone that the privilege of speaking

c 2

harshly

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harshly is confined?—Or is more freedom to be allowed when speaking of the governors of a nation—of the nation at large, than when speaking of a private insignificant individual.

In a word; as to my manner of treating the Doctor, here will I rest my defence. If any thing I have said to, or of, the worthy Doctor, be half so uncandid, half so unhandsome, half so abusive, as what he has said of those persons who compose the government under which we live*, or of

* Dr. Price's Character of the British

GOVERNMENT.

“ They are on the
“ eve of becoming” a
body of sycophants,
“ dependent and ve-
“ nal* ;”—they fet up
“ claims irreconcilable
“ to the principles of
“ legitimate govern-
“ ment† ; — they are
actuated “ by a spirit of

NATION.

They are on the eve
of becoming, “ a nation
“ of tame and contented
“ vassals*.”—In them
“ an abandoned vena-
“ lity has poisoned the
“ spring of public vir-
“ tue ; the terrors of
“ the standing army,
“ and the all-corrupt-

* Obs. p. 19.

† Ib. p. 15.

* Obs. p. 19.

that

that nation, of which it is my happiness to be a member;—then will I allow myself to blame: if not, I hope I may say with the candid Doctor—that I have not “ gone beyond the bounds of decent dis-

GOVERNMENT.

“ avarice and despot-
 “ ism *; — “ by that
 “ cursed ambition which
 “ led a Cæsar and an
 “ Alexander to lay
 “ waste the earth †” —
 “ they are a *scourge* ‡;”
 — “ they govern as no
 “ people will submit to
 “ be governed, who are
 “ not sunk below the
 “ character of men §;”
 — “ their measures
 “ are detested and
 “ cursed ||; — “ rather
 “ than submit to their
 “ acts, a man ought to
 “ lose his best heart’s
 “ blood ¶,” &c. &c. &c.

NATION.

“ ing influence of the
 “ treasury, has deaden-
 “ ed all zeal, and pro-
 “ duced a general ac-
 “ quiescence and servi-
 “ lity *.” — “ They are
 “ actuated by a spirit of
 “ domination and sav-
 “ age folly, pride, and
 “ a lust of dominion †;”
 by “ the infernal prin-
 “ ciples of blind resent-
 “ ment, and desire of
 “ revenge ‡,” &c. &c.
 &c.

* Obs. p. 25.

† Ib. p. 23.

‡ Ib. p. 12.

|| Ib. p. 20.

§ Ib. p. 27.

¶ Ib. p. 15.

* Obs. p. 11.

† Ib. p. 22.

‡ Ib. p. 23.

“ cushion

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“cuffion and expostulation; that I have
“avoided giving any person just cause of
“offence.”—We stand before the public;
to the judgment of that public I submit.

L E T T E R I,

Of the Nature of Liberty in general.

REVEREND SIR,

I WAS not a little surpris'd that in support of your own work you should refer your readers to the Speech of Mr. Burke, and dignify it with the title of "*excellent and admirable* *:" no two writers were ever more unlike each other; no two men writing on the same question, and on the same side of the question, ever laid down positions more difficult to reconcile.

As mere rhetorical compositions, the speeches of Mr. Burke are indeed excel-

* See Observations, page 28.

lent and admirable : whatever merit there may be in elegance or brilliancy of style, in the glow of imagery, or the harmony of periods, this the honourable speaker possesses in the highest degree ; and to these indeed he seems to confine his claims, he pretends not to argument.—Very different is the merit of your Observations ; to the Graces I think you make small pretensions ; so much do you neglect, one would imagine you despised them ; you are sober and serious ; you offer nothing but solid argument. You despise the desultory attacks of wit and metaphor, but then you stand, armed at all points, with the well-knit force of “ *correct ideas*.”

Nor is this all ; you and your honourable friend are not barely dissimilar, you appear to me irreconcilable. True indeed it is that you have both one and the same object in view ; true it is that you both labour to bring about a *reconciliation* with the colonies by laying the mother country at their *feet*. — But equally
true

LIBERTY IN GENERAL. 3

true it is, that you not only differ in the mode of attempting it, but mutually declare each the other's mode to be pernicious. "Of metaphysical distinctions he hates the very name;" he reprobates them all, and very wisely too. He who is determined not to reason with accuracy, has surely little to do with metaphysical distinctions. You, on the other hand, think nothing can be done without them; without premising arguments of a general and abstracted nature; without establishing those "very distinctions of right, and marking those very boundaries," which your friend declares are no where to be discussed with safety but in the schools*.

What your friend declares to be unsafe, you think of such infinite importance, that it is on the first part of your book, that is, on the very part where these dangerous distinctions are established, where the un-

* See Mr. Burke's Speech, spoken April 19, 1774, page 89, 90. This idea he has frequently repeated.

4 L E T T E R I.

safe talk of marking these boundaries is undertaken, that you repeatedly beg of your readers to fix their attention. On this, more than on any other, you seem to pride yourself. Is any new matter to be found in your book? It is here the reader is to look for it*. The principles here “argued from, form the foundation
“of every state, as far as it is free, and are
“the same as those taught by Mr. Locke,
“and all the writers on civil liberty, who
“have been hitherto most admired in this
“country †.” The result of these principles, that is the “*observations*, are important as well as just;” so much so, that
“you cannot make yourself easy without
“offering them to the public ‡ :” “they
“are of a general and abstracted nature,
“but being in your opinion of particular
“consequence, and necessary to introduce
“what you have principally in view, you
“hope they will be patiently read and

* See Preface. † See Ibid. ‡ Obs. p. 5.

“con-

LIBERTY IN GENERAL. §

“ considered *.” They contain “ a distinct and accurate view of the nature of liberty, as such †. They mark the limits, and lay the line between liberty and slavery.” Nor do you think that a preciser idea of liberty and slavery “ can be held forth ‡,” than that which they present. “ In these disquisitions it is that you have from one leading principle deduced a number of consequences, that seem to you to be incapable of being disputed §.”

With an ill grace, indeed, then would any man sit down to appreciate the opinions advanced in the latter part of your book, who should have slightly passed over this important introduction to them : this is the corner-stone of the whole building ; if this be removed all is destroyed. If these principles be false, for the rest of your work we have only to commit it to the flames.

* Obf. p. 5.

† Ibid.

‡ Ibid. p. 6.

§ Ibid. p. 15.

For

6 L E T T E R I.

For my own part I assure you, Sir, I have literally obeyed your orders. I have patiently read and considered the observations with which you begin. You call them “general and abstracted;” and so very general and abstracted are they, that I do not see how they can be applied to any possible state of government. As to their particular consequence, you must allow me to dissent from you. I may not perhaps understand what you mean by consequence: do you mean utility? A maxim which cannot be applied, cannot be of use. Do you mean, what you afterwards assert in other words, that they are consequential; that is, that they follow from each other, or all from some leading principle? Even that merit, it appears to me, they do not possess.—But allow them to have a title to it, what avails it if the leading principle of them all itself be false?

What is this leading principle? It is this, that there is a something called *liberty*,
“to

LIBERTY IN GENERAL. 7

“ to which every member of society and
“ all civil communities have a natural and
“ unalienable right.”

Whether this position be true or false, cannot, you allow, be decided, without previously obtaining “ correct ideas of *liberty* in general : and of the nature, limits, and principles of *civil* liberty in “ particular *.” So far, Sir, you will undoubtedly stand uncontradicted. But I conceive you have stopped short, something more is necessary ; for to be able to decide upon this question, it is not, I conceive, a whit less necessary to obtain correct ideas of *right*, than it is of liberty.

Of one of these, namely *liberty*, you *profess* at least to give us correct ideas ; to the other, namely *right*, having, as I conceive, affixed no precise idea yourself, you leave it to your readers to affix such as may best suit them.

In order to obtain these correct ideas of liberty, or, as in another place you express

* Observations, page 1.

your-

8 L E T T E R I.

yourself,—“ in order to obtain a more distinct and accurate view of the nature of “ liberty, *as such* *,”——what is the *first* thing which a plain man would have expected? Most probably a definition. If the thing defined were distinguishable into different kinds, he might *then* have looked for a division. This is not the order you have chosen. It is not by a definition, not even so much as by a description of Liberty, that you begin; but, without staying to settle what Liberty is, you begin abruptly, and as to me it should seem, preposterously, with a ramification of it into “ four general divisions,” as you are pleased to call them; namely, “ physical, “ moral, religious, and civil.” I beg your pardon, Sir, but certainly I should not have been more surprised, nor, I believe, less edified, had you divided Liberty into east, west, north, and south.

Let us hear your own words :

* Observations, page 5.

“ By

LIBERTY IN GENERAL. 9

“By *physical* liberty I mean that prin-
 “ciple of spontaneity or self-determina-
 “tion which constitutes us agents, or
 “which gives us a command over our ac-
 “tions, rendering them properly ours, and
 “not effects of the operation of any fo-
 “reign cause. *Moral* liberty is the power
 “of following, in all circumstances, our
 “sense of right and wrong; or of acting
 “in conformity to our reflecting and mor-
 “tal principles, without being controuled
 “by any contrary principles. *Religious*
 “liberty signifies the power of exercising,
 “without molestation, that mode of reli-
 “gion which we think best; or of making
 “the decision of our own consciences re-
 “pecting religious truth, the rule of our
 “conduct, and not any of the decisions of
 “others. In like manner *civil* liberty is
 “the power of a civil *society* or *state* to
 “govern itself by it's own discretion, or
 “by laws of its own making, without be-
 “ing subject to any foreign discretion, or

C. “to

“to the imposition of any extraneous will
“or power *.”

To follow your own method, Sir, we must begin by examining the accuracy of these divisions. Throughout the whole of this paragraph it appears, I think, that you take liberty, or (as you explain it, or mean to explain it) *spontaneity* or *self-government*, for something *positive*: that of this something you suppose there are four divisions, or, as you afterwards call them, “kinds †,” distinguishable, each from the others, by certain characteristic differences. These divisions, or kinds, you announce; but not the minutest difference do you shew us in the thing itself. The differences you point out to us, are placed not in the thing called *liberty*, but the nature of the *acts* about which that liberty is employed. It is all along the self-same principle or power applied to various acts: in the first division, to acts indifferent; in the next, to acts good or

* Observations, p. 5, and 6.

† Ibid. p. 5. The phrase occurs twice.

flagi-

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flagitious; in the third, to acts which relate to modes of religion; and in the fourth division it is again the same principle or power attributed to a number of individuals, considered as an aggregate body, "a civil society or state," which had before been attributed to each individual separately*.

Why then so niggardly, Sir? Why give us only four kinds of liberty? You might have made them to the full as numerous as all the *genera plantarum* described by Linnæus, Hill, and Forster. As many divisions might there certainly have been established as there are acts which a man may possibly do, or forbear. Suppose, for instance, you had given us for a fifth division, *convivial* liberty, or the power of following at all banquets our own sense of sweet or sour, and of eating and drinking in conformity to our own digestive and tasting

* When we come to examine the Doctor's account of *civil* liberty, we shall find he means quite another thing from that which he here announces.

faculties. Or suppose you had invented some sonorous title for a sixth *grand* division of liberty, once, and but once, established by the solemn edict of a Roman emperor, which enacted that every man might break wind backwards when he pleased*.

Of these four kinds, as you call them, of liberty, one, namely moral liberty, is annihilated almost as soon as created. When I read your account of it, I explained, and, as I think, naturally, the phrase of "contrary principles †" by the preceding phrase of "foreign causes ‡," by the succeeding ones of "cause over which we have no power §," of "extraneous will or power ||;" "of a force which stands opposed to the agent's own will ¶;" and had thence concluded that the contrary principles, the controul of which could destroy or suspend our moral liberty, were to be some foreign

* Essais de Montaigne.

† Observations, p 5. ‡ Ibid. § Ibid, p. 6.

|| Ibid.

¶ Ibid.

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cause, some extraneous will or power. But no such thing: moral liberty may be lost without the intervention of any foreign power; to produce moral servitude, no extraneous will needs be opposed to the agent's will. His *own* will may do the business. Into this last inaccuracy you have been betrayed by—(what surely we had little reason to expect from a man who sets out with the professed design of giving us clear ideas; I mean)—the substitution of *metaphorical phrases* in the place of *metaphysical distinctions*. For you tell us, “that he whose perceptions of moral obligation are controuled by his passions, has lost his moral liberty.” And again, “that in this case there is a force, which stands opposed to the agent's *own will*; and which, as far as it operates, produces servitude. That this force is the influence of passion getting the better of reason, or the brute overpowering and conquering the man*.” This, Sir, may

* Observations, p. 6.

be

be very pretty declamation; but surely you cannot think it reasoning. If the operation of the passions destroys moral liberty, where is the man who is morally free? Do you suppose any man to act without motives? Can you point out any other motive than the passions? Is our liberty, our spontaneity, our self-government more effectually destroyed, or more forcibly suspended by one passion than another? Was Cæsar less free when he passed the Rubicon, than Curtius when he plunged into the gulph? Was the chaste Susannah more free when she repulsed the odious elders, than the wife of Potiphar when she enticed the reluctant Joseph?

The truth is, Sir, you set out with a capital mistake. It is a capital mistake to suppose liberty to be any thing positive; a mistake you yourself were well nigh discovering, if not correcting.

Let us hear your own words, they will support both these assertions: "It should be observed (you tell us), that according

"ing

LIBERTY IN GENERAL. 25

“ing to those definitions of the different kinds of liberty,”—meaning the divisions above recited,—“there is one general idea that runs through them all; I mean the idea of self-direction or self-government.” Here I think it is plain that you mistake liberty for something positive: and had you *then* been to have given a definition of “liberty in general,” it is probable you would have called it—“the power of self-direction or self-government.”—Soon afterwards you seem to have perceived that it is *not* any thing positive:—so far as in “any instance,” you tell us, the operation of any cause comes in “to restrain the power of self-government, so far slavery is introduced*.”—by *cause* I suppose you mean here, as you before had explained it, “foreign” or “extraneous” cause. Had that epithet been added, and had you substituted the phrase of—“so far liberty is controuled” or “curtailed”—in the place

* Observations, p. 6.

of—"so far slavery is introduced," there would perhaps have been more sound sense in these three lines, than in all the rest of your pamphlet taken together.

Had you pursued this idea a little farther, had you given yourself time to develop it, you would have discovered that the terms *Liberty*, *Self-determination*, *Self-direction*, *Self-government*, convey only negative ideas. With respect to any particular act, when you say a man is *free*, that he enjoys the power of *Self-direction* or *Self-government*, what is it you mean? Clearly no more than this; that no other agent whatever has, or means to *exercise* the power of constraining him to do, or to forbear that act. What then is Liberty? Clearly nothing more nor less than the ABSENCE of COERCION. I use the term *coercion*, because it comprises *constraint* and *restraint*: by the former a man may be compelled to *do*, by the latter to *forbear*, certain acts*.

* That liberty is nothing positive, that it means only the absence of *restraint*, was an idea

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Liberty, thus defined, might not inaptly be divided into *physical* and *moral*; *coercion* may be physical or moral.

I call *physical* coercion the operation of some extraneous, physical cause or agent; which operation takes place *during* the time of another's doing, or forbearing to do, an act, and irresistibly compels that other to do or to forbear it.

first suggested to me by a very worthy and ingenious friend, whose name I am not now permitted to mention. In turning this idea over in my mind, I thought the definition imperfect; a man may be compelled to *do* as well as to *forbear* an act; liberty therefore I thought meant the absence of *constraint*, as well as of *restraint*. I mentioned this some time after to my friend from whom I received the original idea; he had already perceived the defect, and had substituted the general term of *coercion* to the partial one of *restraint*. It was on many accounts necessary to make this acknowledgement; on one more especially, that this notion of liberty will make a leading principle in a work which this gentleman means, and I hope soon, to give the world. In that work, whenever it appears, Dr. Price may learn, what he already professes to teach, without having learned—to give “correct ideas,” “distinct and accurate views.”

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The absence of this *physical coercion* I call *physical liberty*.

Moral coercion I call the threat of some painful event, to take place *after*, and in *consequence* of our doing, or forbearing to do, certain acts.

The absence of this *moral coercion* I call *moral liberty*.

Let the well-known story of Tarquin and Lucretia serve us here for an example. Had Tarquin entered the chamber of Lucretia attended by the companions of his debaucheries; had they held the hapless victim while the prince satiated his lust, this would have been a *physical coercion*. Instead of this what did Tarquin? He threatened her with instant death and future infamy if she refused to comply with his solicitations. This was applying not *physical coercion*, but *moral*.

It is this moral coercion that the legislator applies to make the subject obey his *general* commands. He has not recourse to physical coercion, except when he means
to

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to compel an *individual* subject to submit to his *individual* commands; that is, to undergo the *penalty* of having disobeyed his *general* commands.

Thus, for instance, the legislator issues a general command, addressed to all his subjects, and says, "deprive not another of his life;" to this general command he adds a penalty, "if thou dost, thou shalt lose thy own life." This is moral coercion, our moral liberty alone is suspended.

But when a man has deprived another of life, then physical coercion is applied to compel that individual to stay for a certain time, at a certain place; to appear at a certain time before certain persons; to go afterwards to another certain place, and there to submit to a certain punishment.

This, Sir, is the only notion I can form to myself of liberty; these the only divisions of which I can conceive it to be susceptible; divisions which arise not, (like the inaccurate ones created by you) from

any variation in the *acts* a man is to do or to forbear, but from a variation in the nature of that sort of *coercion*, of which the sort of liberty in question is the absence. Liberty, I repeat it, is the absence of coercion; coercion is distinguishable into *constraint* and *restraint*; and these again into physical and moral. Hence the ideas of physical and moral *liberty*. A man is deprived of his physical liberty when he is constrained, by physical force, to do, or to forbear, certain acts; he is deprived of his moral liberty, when by moral motives, that is, the threat of painful events, to happen in consequence of his doing or forbearing, he is constrained to do or to forbear. But these motives must arise, these events must be brought about by foreign causes, by extraneous will, over which we have no power.

This then, Sir, being a fair definition of liberty, in what sense can you say that every member of society has a natural and unalienable right to it?

Right,

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Right, Sir, is a mere legal term; “where
“no law is, there is no transgression *;”
so says an apostle. With equal truth he
might have said—“where no *law* is, there
“is no *right* †.”

How is it that a man acquires a right to
a *thing*? By the declaration of the legis-
lator that he may use and enjoy that thing;
joined to a promise of the legislator, ex-
pressed or implied, that he will restrain
every other person from depriving him of
that thing, or from troubling him in the
use or enjoyment of it. How is it that a
man acquires a right to *do*, or to *forbear* any
act? By the declaration of the legislator,
that he may do or forbear it; joined to a
promise of the legislator, expressed or im-
plied, that he will restrain every other per-
son from constraining him to forbear the
one or to do the other.

* Romans iv. 15.

† See a book lately published, called “A Frag-
ment on Government,” p. 179, 180.

As

As to *things*, antecedently to law, a man may have the *use* and *enjoyment* of them, but he cannot have the right to them : that is, he may have *possession*, but he cannot have *property*. As to *acts*, he may be in the habit of doing, or forbearing, but he cannot have the *right* of exercising that habit. For till there be some law, tacit or exprest, he cannot be sure that others will be restrained from troubling him in the exercise of it. He may be free, but, without law, he cannot have the *right* to freedom.

When therefore you talk of a *natural right*, you must presuppose a *Law of Nature*, which has established that right. But where is this Law of Nature to be found ? Who has produced it * ?

* “Law,” as is justly observed by Mr. De Lolme, “is the expression of will.” The Law of Nature then must be the expression of will—but of whose will ?—of Nature’s ?—But what is Nature ? Or is it the expression of the will of God, who is sometimes called the Author of Nature ? But if
this

LIBERTY IN GENERAL. 23

Not to enter into discussions, which would lead us too far, it may be sufficient to observe, that when men talk of a law of nature, they mean only certain imaginary regulations, which appear to them to be fit and expedient. It is in this sense, Sir, that I conceive the phrase to have been used by you. When therefore you say, that a man has a *natural right* to the use and enjoyment of any thing, or to do, or forbear any act, I conceive you to mean no more, than that it appears to *you* to be fit and *expedient* that such a right *should* be established.

And can you seriously imagine, Sir, that a full and perfect liberty, that is a total absence of coercion, of constraint and restraint, is among the things to which every member of society should have an established, unalienable right? You cannot think so; for though you will not allow that “it belongs to the nature of govern-

this be the case, where is the difference between this and what is called the Law of Revelation?

“ment

“ment to entrench upon private liberty;” yet in the same breath you allow that government may *restrain* liberty, because liberty may “be used to destroy liberty *.”

Supposing the law of Nature to have been produced; supposing it to have established the right of liberty, still that right cannot be *unalienable*. It must, to a degree at least, be alienated in a State of Society, if by Society you mean, as it appears that you do mean, a state of government. Such a state implies Laws. All laws are coercive; the effect of them is either to restrain or to constrain; they either compel us to do or to forbear certain acts. The law which secures *my* property, is a restraint upon *you*; the law which secures *your* property, is a restraint upon *me*. By what magic then is it that you contrive to bestow on every member of society an unalienable right to be free from that restraint, which is one of the two cements, by which, and by which alone, society is held together?

* Observations, page 9.

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Could you seriously believe, Sir, that you had “given the precisest idea that can be formed of liberty and slavery*.”—That you had “marked the limits, and laid the line between them†,”—when you told us with an air of triumph, that, “as far as in any instance the operation of any cause comes in to restrain the power of self-government, so far slavery is introduced‡.”

Do you not perceive, Sir, how your original error has hampered you throughout? You took liberty for something positive. The privation of that must be—what?—Slavery to be sure. Things must be always at the *maximum* or *minimum*; there are no intermediate gradations: what is not white must be black; all must be absorbed, or all must be equally reflected.

And now, Sir, what is to become of the pompous declamation on liberty, which closes the first section of your work?

* Obs. p. 6.

† Ibid.

‡ Ibid.

“ There is not a word,” you tell us, “ in
 “ the whole compass of *language*, which
 “ expresses so much of what is important
 “ and excellent.” I suppose you mean
 only the *English* language ; and you seem
 to have the same knack at impoverishing
 our Language, as our *Exchequer*, and to
 take the same pleasure in it too : *utility*
 and *happiness*, and I know ~~not~~ how many
 more good expressive words are turned off ;
 not a single word is left to express a posi-
 tive idea ; all excellence and importance
 are become negatives.

You make an attempt, such as it is, at
 eloquence, when you come to descant on
 the “ dignity of liberty ;” on “ its conse-
 “ quences ;” on its being “ the foundation
 “ of all honour,” and “ the chief privilege
 “ and glory of our natures.” Why so
 unjust, Doctor ? why make it the chief pri-
 vilege of *our* natures exclusively ? You,
 who defend so warmly the *natural right*
 to *property*, why attribute to man, as his
peculiar privilege, what he holds only in
 common

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common with his fellow-creatures of the deserts and woods? To be free from coercion is a privilege which belongs not more to man, than to the lion that ranges in the wilds of Africa, or the monkey that skips about in the forests of India.

And among men, Sir, if liberty, that is the absence of coercion, be indeed the foundation of all honour, where is the school of honour to be found? Not among the heroes of antiquity; not in civilized nations; not even among your favourite Americans. It is to be found among the tribes of savages whom *they* drove out; or among the Hottentots, from whom indeed you seem to have borrowed the happy idea, that every act of restraint is an introduction of slavery.

What is to become, Sir, of the assertion towards the close of your second section? There it is you tell us, that in a "free state, every man knowing himself to be his *own* governor, feels incitement to

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"emu-

“ emulation and improvement, to which
 “ the miserable slaves of arbitrary power
 “ must be utter strangers.”—This assertion
 you endeavour to support by appealing to
 history; to that very history which contra-
 dicts the assertion you bring it to establish.
 “ The subjects of free states,” you tell us,
 “ have in all ages been most distinguished
 “ for genius and knowledge.” “ Liberty,”
 you add, “ is the soil where the arts and
 “ the sciences have flourished; and the
 “ more free a state has been, the more
 “ have the powers of the human mind
 “ been drawn forth into action.”—In the
 same paragraph we learn too, that bravery,
 but little connected, I trow, with arts and
 sciences, can flourish only in the “ soil of
 “ liberty :” for in the same breath you tell
 us, that the more free a state is, “ the greater
 “ number of brave men has it produced.”
 And in support of this assertion you ask
 us—“ With what lustre do the ancient free
 “ states of Greece shine in the annals of the
 “ world ?

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“world? How different is that country
“now under the Great Turk*.”

With respect to bravery, you could not have chosen a more untoward example. Were the Turks more free, when they kept all Europe in alarm, than now, that they have been beaten, not by *free men*, but by the mercenary troops of a despotic prince? Were the conquests made by the free men of ancient Greece, more extensive or more rapid than the conquests made by the slaves of the Great Turk? Or, to come to more modern times, do you really think that the Greeks ever gave greater proofs of bravery than the Prussians at Rosbach, or the Russians at Franckfort?

But why were the Greeks alone brought forward in support of your assertion? Why not the Romans too? Had you recollected that it was not till Rome had lost her liberty, that the arts and sciences flourished

* Observations, p. 10.

rished

rished there? From the time of Sylla, you will scarcely, I believe, contend that the government of Rome was free. Yet all that were distinguished as poets, or orators, or historians, or philosophers, are posterior to the time of Sylla. Why indeed should either Greeks or Romans be produced? Why not call forth the genuine sons of freedom? The robbers of Tartary, the amorous swains of Otaheite, the giants of Patagonia, or the other savages of America? Luxuriant are the shoots which the arts and sciences have made in these fertile soils.—Their painters have not indeed given to the dead canvas the animated colouring, nor the bold figures of a Rubens, nor the soft tints of a Titian; but then with what a grace they tattoo, with what a boldness they pencil out the living flesh? No Louvre have their architects reared; but then what greatness of design is displayed in their wigwams? Their orators perhaps may not charm the ear like

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like a Linguet or a Wedderburn, but then what eloquence in their pipes and their strings, their belts and their wampums? Their mathematicians may not carry their calculations so far as Lalande; but what they want in extent, they make up in certainty: by the help of strings and beads they are infallible, at least as far as number ten.—Of their poets, their historians, and philosophers, we know indeed but little; but, no doubt, they too have their Voltaire, their Raynal, and their Helvetius.

“Flee,” my good Doctor, “flee,” ere it be too late, to the shores of America. Even your godlike Congress is mistaken; they are making laws; they are “trenching upon” liberty.

Interpose your friendly hand; stay the fatal blow, lest peradventure, (to use your own harmonious phrase) not even “*one free country*” should be left upon
“earth,

32 L E T T E R I.

“earth, to which you may flee when
“venality, luxury, and vice have com-
“pleted the ruin of liberty here *.”

I am, &c.

* See Observations, page 184

L E T-

L E T T E R II.

O F

C I V I L L I B E R T Y,

A N D T H E

P R I N C I P L E S O F G O V E R N M E N T.

* F

L E T T E R II.

*Of Civil Liberty, and the Principles of
Government.*

REVEREND SIR,

YOUR second section is entitled “ of
“ *Civil Liberty and the Principles*
“ of Government.” These then
must be the subjects of the present letter.

Civil liberty you had already defined to
be “ the power of a civil *state*, or *society*,
“ to govern itself by it's own discretion, or
“ by laws of it's own making, without be-
“ ing subject to any foreign discretion, or
“ to the imposition of any extraneous will
“ or power.”

Words are but arbitrary signs; every
man may therefore chuse what signs he
pleases, for the purpose of expressing his

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own ideas : to this only his readers have a kind of right.—That he do not affix different ideas to the same *leading* term; that he do not change the idea affixed to *any* term without warning: suppose a man using the term *ox*, to mean by it a *frog*; let him but forewarn the reader, and be constant in the application of the word, all is well: one might be tempted perhaps to call, at least to think, him *whimsical*. Censure beyond that, we should perhaps have no right to apply. But if, all at once, and without any previous warning, this *ox* of his swells from the diminutive size of a frog, to that of a real ox, one might, and with good reason, complain, that the writer was laughing at our expence.

You write with so much gravity, Sir, that I will not attribute to you any design of laughing at the expence of your readers. And yet when I came to read this section, I felt as a man is apt to feel when he perceives that he is laughed at.—Certain it is that the definition recited above, conveys
to

to us the idea, not so much of *Civil Liberty*, as of *national independence*. To me at least it appears, that by being subject to "*foreign discretion*," "*to the imposition of extraneous will or power*," must be meant a subjection to the will, not of any given part of the society in question, but to that of some other body or power, totally distinct from it. Such then, being the idea you had announced to us of civil liberty, it was this idea I expected to see explained and enforced in the section before me. But you changed your mind. Civil liberty is no longer to mean, as you had there taught us to believe it did mean, the independence of one nation, with respect to all other nations, but quite another thing. It is now to mean the independence of that part of a community, which consists of persons generally called *subjects*, or *governed*, upon the other part of that same community, which consists of one or more persons, who are generally called *sovereign*, or *governors*.

Leaving therefore your definition to shift for itself, we must endeavour to come at your idea of Civil Liberty ; not through any thing you advance there, but through an attentive examination of the principles laid down in the beginning of this section. They are these :—

“ All *civil* government, as far as it can
“ be denominated *free*, is the *creature* of
“ the people. It *originates* with them ; it
“ is *conducted* under their *direction*, and
“ has in view nothing but their happiness ;
“ all its forms are no more than so many
“ different modes, in which they *chuse* to
“ direct their affairs, and to secure the
“ quiet enjoyment of their rights. In
“ every free state *every* man is his *own*
“ legislator, all taxes are *free* gifts for pub-
“ lic services ; all laws are particular pro-
“ visions or regulations, established by
“ *common consent*, for gaining protection
“ and safety : all magistrates are *trustees* or
“ *deputies* for carrying these regulations
“ into execution *.”

* Observations, page 7.

These, Sir, are your principles. In stating them you seem not to have perceived that one of them—to wit—"Every man is his own legislator"—implies a flat contradiction; that it supposes a relative without its correlative; a superior without an inferior; a sovereign without a subject. Farquhar has introduced upon the stage his *Scrub*, who is *successively* coachman, footman, butler, gardener, and clerk. Had you been the play-wright, how boldly would you have heightened the *traits*! The varlet would have been at *one* and the *same* instant, master and man, justice and culprit.

The discovery that a being may give laws to himself, is not, I confess, entirely novel.—Long ago had the President Montesquieu discovered that *God* was his own legislator*: a discovery which was not barely adopted, but improved upon by the celebrated commentator on our laws†.

* *Esprit des Loix*, liv. i. ch. i.

† *Blackstone's Commentaries*, vol. i, p. 40.

The

So long as the observation was confined to a Being, whom we all acknowledge to be above our comprehension, it produced no great sensations. But when it is dragged down from heaven to earth, and applied to that visible creature called *man*, it is apt to startle us. One is somehow accustomed to imagine, that to constitute one person a legislator, a second person, at least, is required. If one person be to issue commands, there must be, according to common apprehension, another person, to whom these commands are to be addressed *.

The improvement is this: the French author had defined laws to be *relations*; the English author declares them to be something *prescribed by a superior to an inferior*.

* A man in common parlance is sometimes said to prescribe a law to himself: what is meant by it? Not that he has *issued a command*, but that he has *formed a resolution*. Suppose instead of one man, a body of men to lay down a certain mode of conduct respecting their *own proceedings only*; would they call that a *law*, a *command*, or an *order*? Certainly not: they would call it a *resolution*. The distinction is so obvious, that it is never, I believe, over-

How ignorant has the biographer of Robinson Crusoe made the hero of his tale! He, silly man, rejoiced at the acquisition of *Friday*; for this, among other reasons, because he could now style himself a King, a Legislator, having a subject to obey him, and receive his laws. The poor man never dreamt that he had been all the while the greatest of all possible Kings or Legislators. For since *every* man is to give laws to himself, no man can give them to another, that is, in free governments; and I do not find that honest Crusoe was a tyrant*.

May I be allowed to ask you, Sir, at what age a man is to exercise this right of legislature? In countries, falsely called free, the laws have fixed what they call the age of *discretion*: Nature has fixed the age

overlooked, even by the clerks of certain assemblies, not otherwise too much famed for accuracy or precision.

* See in that excellent book already quoted, viz. "A Fragment on Government," an examination of Sir William Blackstone's account of a democracy, chap. ii. sect. xxxiv. page 89, 90, 91.

of

of *puberty*, you should therefore fix what may be called the *legislatorial* age.

One doubt more, and I have done. Are women included in the rank of legislators? But I beg pardon; I need not have asked the question: we have seen them shine as sovereigns in despotic states: in your free state shall they be degraded to slaves? Every woman too is her own legistatrix. Good Doctor, reprint this sheet; add, but in *capitals*,—"EVERY WOMAN IS HER OWN LEGISLATRIX."—These words alone will sell at least nine more editions of your work. The ladies will read it with avidity; even the eloquent discourses of a fellow-labourer in another vineyard must give place to you; neither law nor gospel can stand against this enchanting proposition—Every woman is her own legistatrix.—

In stating your principles, another thing seems to have escaped you. This distinguished principle lords it paramount over the rest; or rather, like Aaron's rod, swallows

lows them all up, and with them government itself. Let it be once determined “that every man is his *own legislator* :” and to be consistent, you must, I think, go one step farther ; you must declare, that, in order to preserve unimpaired “the dignity “and privilege of our nature,” all society be instantly dissolved. To what purpose assemble this herd of legislators ? Not with a view of uniting them under any form of government, not even with a view of framing any thing like a political union. All political union implies more or less of superiority on one part, and subordination on the other. But every idea of subordination must alarm our legislators ; each, like the fretful porcupine, will raise his bristles, and wound the hand that would unite them.

But perhaps you do not mean, Sir, (and clear as your ideas are, I can only *guess* at your meaning) that *each* individual is to be a legislator to *himself alone*, but that *all* are to be legislators to *all*. On the one hand you

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assert,

assert, that every man is to be, not *a* legislator, or a *part* of the legislature, but his *own* legislator; on the other hand, and at the same time, you assert, that the creation, origination, direction, and choice of government belong to the *people*; are to be established by *common* consent. In the first assertion it should seem, that in a free state each man is to be as independent of every other man, as the king of England of the king of Spain; every man is to do what seemeth right in his own eyes, without any restraint whatever from any other man. In the other assertions it should seem that each man is to co-operate with every other man in the making of laws, which are to bind not himself alone, but with him every other man. In short, *all* are to make laws for *all*.

Let us see now whether the difficulty be at all removed by this attempt to explain one assertion by another. In making this enquiry, we will not extend your principles farther than you yourself extend them.

We

We will apply them to *small* states, being those in which, and in which alone, you will allow that "civil liberty, in this its most "perfect degree, can be enjoyed*."

Let us suppose a state, Sir, neither numerous nor extensive; it shall not be nearly equal to the little republic of Lucca: it shall consist only of three hundred and ninety-nine persons; and, to give the aged and infirm an opportunity of meeting in the public council, the whole extent of inhabited territory shall not be larger than Bloomsbury-square. In this happy little state, all laws are to be made by common consent; nothing is to have the force of law, to which every man shall not have consented.

Once more, Sir, what is to become of our women? There is not, to be sure, so much excellence in a woman as in a man: the whole of a woman is equivalent only to a single *rib*. Will you calculate the

* Observations, p. 6, and 7.

proportion?—In calculations, Sir, you are unrivalled—Tell us then how many female voices shall be equivalent to the voice of a male? Or shall we strike them entirely off the list? Be it so. Deduct then two hundred from the original number; the remaining one hundred and ninety nine we will suppose arrived at the legislative age.

Our legislators meet: John proposes to establish a new mode, in which he chuses to direct the affairs of state; ninety-nine of the legislators side with him. Thomas proposes another mode; ninety-eight side with him. What is to be done? Neither will give up. Must Thomas and his friends separate, and form another potent state? or must the mighty legislators submit to slavery? For slaves they must be, since the mode is not of their choice; since the laws are not established by their consent. So at least you tell us.

To those who had not read your book, this might appear trifling; those who have
read

read it, will feel, with me, how impossible it is to argue seriously with a man, who dignifies with the name of *principles*, a set of phrases, to which he had affixed no precise ideas ; who gives us, as principles of *government*, such unguarded assertions, as are *destructive* of all government.

In all your reading, Sir, have you ever met with a single instance of a government of *all* by *all* ? where the consent of all was necessary to every act of legislation ? Even in Athens, the most popular state of antiquity, the state therefore which will best suit your purpose, was it a government of *all* by *all* ? The Athenians were divided into three ranks or classes, distinguished by the name of Πολῖται, Μέτοικοι, Δεῦλοι, citizens, sojourners, and servants. Of these three classes, the *first* only had any share in the government. The largest number of this class at any one time, amounted, I think, to *twenty-one thousand*. At the same time the number of the two other classes, that is of sojourners and servants,
of

of men who had no share whatever in government, amounted to *four hundred and ten thousand**. Was this a government of all by all? Was Sparta a government of all by all? Did the Helotes consent to the humane laws, which set them up as marks for the cruelty of the Spartan youth. As well might you look for a government of all by all in your favourite America.— In America, where *men* and *cattle* are offered to *sale* in the same advertisement.— In America, where, if I am rightly informed, one of their most distinguished champions was hanged in *effigy*, and would have been hanged in *person*, could they have caught him, for proposing only a gradual abolition of slavery. Yet these, Sir, are the men, to whose tender feelings, to whose sacred enthusiasm for liberty, you would sacrifice your native country †.

* See Potter's *Archæologia*, vol. i. p. 43, edit. 7.

† The fact above referred to was communicated to me by a gentleman of undoubted veracity, who at this instant enjoys a post in one of the colleges
in

The whole secret of your politics for the government of a small state, consists, we see, in this : that there should be *no government at all*. For in a small state every

in America. I dare not name him, lest the resentment of these sons of freedom should make him undergo, in propria persona, what they could inflict on the effigies only of the other. And yet Dr. Price can tell us “ that the Colonies consist only “ of a body of yeomanry, *all* independent—except— “ ing the *Negroes* in the southern colonies.”—He can add—“ That it is not the fault of the Colonies “ that they have among them so many of these unhappy people. They have made laws to prohibit “ the importation of them, but these laws always “ have had a negative put upon them here, because of their tendency to hurt our *Negro* “ trade*.” It is singular that the same people should make laws against the importation of slaves, and yet attempt to hang a man for proposing the gradual abolition of slavery. Nor are they *Negroes* alone who are slaves ; nor is it in the *southern* colonies only, that slaves are to be found. I scarcely remember to have seen an American newspaper, and I have many now before me, where I did not find advertisements for the sale of “ slaves of all colours “ and conditions.”

* Observations, p. 28.

one

one is to be free; and “to be free *,” is to be guided by one’s *own* will; and to be guided by the “will of another is the “characteristic of servitude *.” In a word, in your free *little* state every man is to be his own legislator.

Wild indeed then must be the notions which one would naturally expect from you, when you come to treat of the complicated concerns of a *large* state. The truth is, however, that in neither case do we meet with a single opinion of your own; nothing but the crude ideas of unthinking writers, adopted hastily, and—it may sound harsh—but truth requires me to add—very awkwardly expressed.

You had read—and who has not read?—that “the political writers of antiquity “would not allow more than three regular “forms of government †.” To one of

* Observations, p. 8.

† Blackstone’s Commentaries, vol. i. page 49.
I know it is a dangerous heresy, but I will avow it.
Oft have I wished that the rage of the Goths
and

these three it seems they gave the name of a *democracy*; and in this form, some men have told us, “the sovereign power was lodged in the hands of an aggregate assembly, consisting of *all* the members of the community *.”

You had read too—and who has not read?—that democracies, that is, governments of *all*, have existed? You never stopped to enquire whether, or in what sense, the fact was true; whether by the term *all* were really meant all the inhabitants of a country, or only all those of a certain class and denomination †. *All*

and Vandals had spared all the buildings and vases of the ancients: most freely in return would I have pardoned the destruction of all their books of philosophy and politics.

* Blackstone's Commentaries, vol. i. p. 49.

† The truth is, as we have observed before, speaking of the state of Athens, that by the term *Citizens* was meant a certain class of inhabitants, who, in consequence of certain qualifications, had a right of voting in the public councils; and it is all of *this* class only who participated in the legisla-

H tion.

was the word, and at once you determined that in your little state all the inhabitants, in general, should at one and the same moment be *governors* and *governed*.

You had read—and without reading one might have guessed—that “when a state becomes numerous, or when the different parts of it are removed to distances from one another *,” this meeting of all would be impracticable. And hence,” you tell us, “a diminution of liberty necessarily arises †.”

I was quite frightened at this intelligence, and actually on the point of setting out for Lucca or Ragusa. But the next paragraph quieted my alarms. “In these circumstances”—these dreadful circumstances, of living in a large and opulent country—all is not lost: though we cannot catch liberty by the foretop, yet—“such

tion. When this class happened to be numerous, the government was called a democracy.

* *Obf.* p. 7.

† *Ibid.*

“near

“ near approaches may be made to it, as
 “ shall answer all the purposes of govern-
 “ ment, and at the same time secure *every*
 “ right of human nature *.” Thank God!
 a man may live in England without being
 quite a brute.

What then is the way of approaching to
 this unknown divinity, without advancing
 a single step towards it? “ *Quod facis per*
 “ *alterum facis per te.*” You cannot get
 thither yourself, but then you may send
 another person in your stead, and that you
 know brings *you* there too. You cannot
 participate in the powers of legislation
 individually and personally, but a number
 of you may club together, appoint one or
 more *substitutes* to participate for you, and
 then—can any thing be plainer?—you *are*
participating yourselves. I am not turning
 your positions into ridicule; I am stating
 them precisely as you yourself have stated
 them. Let the reader judge between us.

* Observations, page 7.

“ Though the members of a state should
 “ not be capable of giving their suffrages
 “ on public measures individually and per-
 “ sonally, they may *do this* * by the ap-
 “ pointment of substitutes.”—*Do this?*—
 do what?—give their suffrages on public
 measures, individually and personally.—
 This is the only thing that has been men-
 tioned.—Again; “ All the individuals that
 “ compose a great state, cannot be admit-
 “ ted to an immediate participation in the
 “ powers of legislation and government,
 “ yet they may participate in these
 “ powers by a *delegation* of them to
 “ a body of representatives.”—That is,
 by putting the power in the hands of
 another we may, we do actually retain in
 it our own.

But to go on—these substitutes must have
 a name; two occurred to you, *representa-*
tives and *delegates*; the one familiar to an
 English ear, the other sweet-sounding to the
 ear of an American. Of these we may take
 our choice.

* Observations, p. 7.

The next thing to be considered is the manner of appointing them. And here you seemed to be on the point of becoming more reasonable, than in the formation of your little state. In a little state the personal consent of every individual was necessary to every act of legislation; in a large state the suffrages of the majority * are sufficient to appoint substitutes. Not that all difficulties are removed by this concession: you had already supposed that the members of a large state were so numerous, and the different parts of it removed to such distances from one another, that all the members of it could not meet together to give their suffrages individually and personally; yet meet they must, and give their suffrages too, indivi-

* Observations, p. 8. In the same page the Doctor again changes his mind. A majority, after all, is but a *part*, though a large part, of the whole; and if substitutes be “chosen by a part only of the “state,” down we go to the very abyss of slavery.—These inaccuracies we see are not uncommon with our correct author.

dually

dually and personally, for the election of substitutes. All, and each of these substitutes are to be chosen "by the unbiassed voices of a majority of the *state*." Now, hitherto at least, the word "*state*" has been used by you to denote the aggregate body of *all* the inhabitants of a country. It should seem then, that every individual, making part of this body, is to give his suffrage in the choice of *every* representative. It should seem that *no* representative is to *act* without a decided majority of all these individuals in his favour. This I think we may fairly conclude to be your meaning. Were it not, some qualification, some restriction would have been thrown in. But nothing of that sort do we meet with.

The representatives being thus chosen, and chosen only for a short term *, they

* What the Doctor means by a *short* term, he has not expressly declared :—I suppose he means a year. To this interpretation I am led by a passage in his letter to the Town-Clerk ; it is this : " The testimony of approbation which they"—meaning

are, I suppose, to be invested with certain powers.—What are these powers? Small enough God knows; dealt out with a very sparing hand.—Your representatives are to be very good, and do what they are bid, and no more. For first they are to be subject to “the *instructions* of the unbiassed voices of “a majority of the state.”—At the outset

ing his Observations—“have received from a body “so respectable, *annually* elected by the first city “in the world, will, it may be hoped, lead the “public to fix their views more on such measures, “as shall save a sinking constitution, and preserve us from impending ruin.” The reader will observe the stress intended to be laid on the phrase *annually elected*. Were it allowable to suppose so good a man subject to vanity, one would be tempted to imagine that the Doctor was drawing a secret comparison between the value of this approbation conferred on his Observations by these *annual unbiassed* officers, and the approbation conferred by a *venal septennial* parliament on a *Hawke* or a *Saunders*. Who can doubt whether of the two speaks the voice of the people? Who can doubt to which of the heroes the title of *Saviour*, of *Preserver* of his country most properly belongs.—*Cedant arma togæ.*

indeed

indeed you had agreed that all the members of your large state were not capable of giving their suffrages on *public measures*, individually and personally : but this was a hasty concession ; why should you not revoke it ? Why not convene *all* the members of the community for the very purpose of giving their suffrages on public measures ? For I suppose you will allow that to give instructions to the representatives, instructions which *must* be obeyed, is, in the strictest sense of the word, to give their suffrages on *public measures* *.

* There are two countries in Europe where the electors retain this power of *instructing* their representatives, Poland and the Seven Provinces — What good effects have arisen from it in Poland is obvious to all Europe. The Seven Provinces are seven distinct sovereignties confederated together in one republic. Each province considered separately is an aristocracy, The government of each is in the hand of a Senate or *Vroetschap*, in the election of which the people have no more share than they have in the election of a Pope †. It cannot but be seen that there is a wide difference between *Sub-*

† See Sir William Temple's Works, and Lord Chesterfield's Miscellaneous Pieces.

stitutes

But this is not all; the representatives are not only to be chosen for a short term, and instructed by the *unbiaſſed* voices of a majority of the ſtate, but being only *truftees*, they are to be ſubje& to the controul of ſome other body. As an individual, I can appoint a trustee, I can preſcribe to him the extent of the truſt, and the uſes he ſhall make of it. If he exceed the bounds of that truſt, if he pervert it to other uſes, I know where to apply for a *controul*; the judicial power affords it;—the judicial power, to which I and my trustee muſt alike ſubmit. But when the majority of the people have appointed this public

ſtitutes choſen by a *Senate*, and deputed to a General Council by *ſeparate* ſtates, each having its own local, ſeparate, and, in many occurrences, oppoſite intereſts; and *representatives* choſen by the middling and *inferior* claſſes of a large community, to provide for the common intereſts of *one*, ſingle, undivided ſtate. It is eaſy to be conceived that the right of inſtructing their ſubſtitutes may be practicable and ſalutary in the former caſe, and dangerous, if not impracticable, in the other.

I trustee,

trustee, where shall they apply for a controuling power. To themselves you tell us: there can be no power to which they ought to submit; "for theirs is the "only real omnipotence*." And therefore the representatives are to be subject, not only to the instruction, but to "the "controul of the constituents†;" that is, of an *unbiased* majority of the state.—For of no other constituents have you spoken.

Indeed, my good Doctor, if your state is to meet together so often,—for the frequent—I suppose annual—election of its representatives:—for the purpose of *instructing* them; that is, of prescribing to them what they *are* to do:—for the purpose of controuling them, that is, judicially punishing them when they shall have done more or less, or otherwise than they ought to have done:—you might as well let the state do its own business.—It is mere children's play to chuse representatives.

* Observations, p. 10.

† Ibid, p. 8.

Having

Having rendered your representatives so dependent on the instructions and controul of their constituents, you have, no doubt, attained the object you had in view ;—the constitution of a *free* state. We have your own word for it.—“ To be *free* is to be “ guided by one’s *own* will ; and to be “ guided by the will of another is the characteristic of *servitude*. This is particularly applicable to political liberty. “ That *state* is *free* which is guided by its “ own will : or—(which comes to the “ *same*) by the will of an assembly appointed by itself, and accountable to itself *.”

Here then our business is done.—According to your own assertion, that constitution is most “ *perfect* and complete” which is most *free* : according to your own account, that constitution is most *free* where the government is lodged either in the hands of the people themselves, or in those of representatives, chosen by the people, accountable to the people.

* Observations, p. 8.

What whim possessed you, Sir, what qualm had seized you, to throw down in a moment the edifice you had been labouring so long to erect?—In the same page we learn, that this is no longer the most perfect constitution of government.—For in the same page it is you tell us, that—“in order to form the *most perfect* constitution of government, there may be the *best* reasons for joining to such a body of representatives, an *hereditary* council, consisting of men of the *first rank* * in the state, with a supreme executive magistrature at the *head* of all.”—And what, I pray you, are these best of reasons for such a junction? One, and that the first recited, is given us in these words: “This

* Observations, p. 8. The reader will observe the inaccuracy of which our correct author is guilty in speaking of this hereditary council. It is to consist of “men of the *first rank* in the state.” *Rank* is not one of the requisites which the *candidate* is to possess: it is an acquisition, which he makes in consequence of becoming one of the hereditary council.

“will

“ will form useful *checks* in a legislature *.”
 —Checks upon whom? Upon that very body of men, by whose will *alone*, we were told but a few lines before, a free people can be governed. So then to be free, is, at one and the same time, to be guided *solely* by our *own* will, or the will of substitutes appointed by ourselves, and accountable to ourselves; and to be guided by the will of these substitutes, *conjointly* with the concurrent will of a second body of men, and the will of yet a *single* person, *at the head of all*; neither of which latter are to be substitutes; neither of which latter are to be appointed by ourselves, or accountable to ourselves.

* Observations, p. 8. The next reason assigned is rather singular. It is this:—that this—namely, the junction of two other bodies to the first, “ will contribute to give it”—the legislature—“ vigour, union, and dispatch.”—That there should be more *union* and *dispatch* in the proceedings of *three* constituent bodies, than in those of *one*, is a new idea, and not quite easy to be conceived.

And

And this is what you give us, Sir, for “*correct* ideas:” “consequences incapable of being disputed; all deduced from one “leading principle.”

It has often been remarked by divines, that no situation can be more irksome, than that of a man who sins by halves. Distressing it must be to feel one's self actuated alternately by opposite and irreconcilable principles:—one while restrained by the principles imbibed in our infancy; at another impelled by opposite principles, recommended perhaps by the reasoning and practice of those with whom we live. Were a man to consult his present ease, of two things, one he ought to chuse.—He ought either to revert entirely to the principles he at first imbibed, or entirely to discard them. A kin to this is the situation of a writer, who feels himself inclined to advance positions, from an open avowal of which he is restrained by what a bolder man would call perhaps “local and long-
“standing.

“standing prejudices*.”—In this awkward situation you, Sir, seem to stand.—Full of the advantages of *self-government* and *self-direction*, you wished, as it should seem, to declare that no government could be free but your own *ideal* democracy. But a democracy having never existed, or at most for a very short time only, in England; and such a democracy as you suppose having *never* existed any where, your courage failed you,—and you thrust in your hereditary council, and your chief magistrate, at the risk of overthrowing all that you had before advanced.

More consistent, more manly, if not more honest, is the part which another champion of America has acted : he would retain only “the Republican materials,” as he calls them, “in the persons of the “house of Commons”. He boldly throws out the other two “component parts of “the British constitution,” declaring them

* See a book called “*Common Sense*,” printed at Philadelphia, sect. 1.

“the

“ the *base* remains of ancient *tyrannies* ;” rejecting the notion of their being useful checks, as “ *farcical* and *absurd* *.” So he *expresses* himself ; and, if we may judge of your *sentiments* by the tendency of your *arguments*, so you seem to have *thought*. But you perceived that things were not yet ripe enough for throwing off the mask : you perceived, to use the words of the author to whom I have just referred you, that “ these sentiments are not *yet* sufficiently “ fashionable to procure them general favour† ;” I mean on this side of the Atlantic. You have, on a former occasion, been told, that “ you *dare* not tread unpopular “ ground ‡ ;” and in the present instance, Sir, “ strong as be the feelings by which “ you are urged,” they are not strong enough to carry you beyond the line of *fashionable* sentiments.

* *Common Sense*, sect. 1.

† *Ibid.* Introduction.

‡ In a letter to Dr. Price on his “ Appeal to “ to the Public on the Subject of the National “ Debt.”

To

To rail at government,—to weep over the *unexampled* venality and corruption by which the times are disgraced,—to tremble at the sight of our agonizing liberties—has in all ages been a sure road to popularity: in the political world numerous at all times has been the class of *malades imaginaires*.

I leave you, Sir, in the full and unenvied enjoyment of that popularity, which is acquired by thus flattering the prejudices and inflaming the passions of the multitude. For my own part, however unpopular it may sound, yet I will confess that I cannot bring myself to admire that strange confusion of ideas, that abuse of language which runs through the whole of what I have examined of your book.—And yet I think few men would be more “unwilling to resign the fair inheritance of liberty left me by my ancestors:” few men, I persuade myself, would be more willing “to fight and bleed in the cause of liberty*.”

* Observations, p. 111.

But ere I can prize this inheritance, ere I can be ready to fight or to bleed for it, I must know with more certainty than you have told me, what it is, and where it lies.

Two or three questions then there are—the *only* questions which in this part of your work were properly before you, and the only ones of which you seem to have been determined not to take any notice—which require a sober and attentive consideration.

The questions I mean are these—How is it that liberty is established by law? *to* whom and *against* whom is it given?—Whether the circumstance which distinguishes that which is generally called a *free*, from that which is called a *despotic* state, be this, namely, that the persons, in whose hands the supreme power is lodged in a free state, have indeed less power than those in whose hands it is lodged in a despotic state?—Whether you are justified by experience in supposing, that, to constitute a free state,
it

it is necessary to vest the supreme power in the hands of the people at large?

Liberty we have said is the absence of coercion. *Perfect* liberty would be a total absence of coercion. *Civil* liberty means not this. It means only a *partial* absence of coercion; and that enjoyed by one or more of that class of persons in a state of civil or political society, who are called *subjects*; and with respect only to others of that *same* class *? How is this liberty created by law? *to* whom and *against* whom is it given? It is given to that subject, or class of subjects, upon whom the law does *not* operate, and against all other subjects upon whom the law *does* operate.

* “When a number of persons, (whom we
“ may style *subjects*) are supposed to be in the ha-
“ bit of paying obedience to a person, or an assem-
“ blage of persons of a known and certain de-
“ scription (whom we may call *governor* or *govern-*
“ *ors*) such persons altogether (subjects and go-
“ vernors) are said to be in a state of *political so-*
“ *ciety*.” Fragment on Government, chap. 1.
par. x.

Suppose, for instance, there were but one religion established, or even tolerated in a country; and that the ministers of that religion were the only persons permitted to speak in public on the subject of religion. To this class of citizens, called ministers, the liberty of speaking in public on the subject of religion would be then reserved. But how? Not by any operation of the law on *them*, but by its operation on every other subject whom it would restrain from troubling them in the free performance of this act. But the restraint upon other subjects in this case would be twofold; they would be restrained from troubling this particular class in the free performance of this particular act; and they would be again restrained from performing that act themselves. Supposing this last restraint never to have been imposed, and all the subjects would in this instance have *been* free: supposing the restraint to be taken off, and they would again *become* free. In either case how is
this

this liberty bestowed on all? Precisely in the same manner as in the former supposition it would be bestowed on a particular class of subjects; by the operation of the law, not on the individual who means to do the act in question, but on every other person who may attempt to restrain him from doing it.

We may perhaps be told that this idea of civil liberty is imperfect: that civil liberty includes an absence of coercion, with respect not only to all others of the class called *subjects*, but likewise with respect to that person, or assemblage of persons, who are called *governors*. I profess I do not see how this can be established by law. Law we have said is the expression of will. That person, or assemblage of persons, the expression of whose will constitutes law, are governors. Is it then likely, is it indeed possible that they should give liberty against themselves? The very attempt to do it, I mean directly and openly, would be destructive of civil liberty, properly so called;

called : of that liberty, I mean, which we have just described, and which only should be called by this name. For the truth of this I may appeal to the history of Rome in ancient days, to that of Poland in our own. In both these states, in proportion as the power of the governors has been openly and directly checked, the civil liberty of the subject has been checked with it. The governors, as such, could not indeed infringe the liberty of the subject, but then neither could they protect the accused against the abuse of power on the part of the magistrate, nor the feeble against the oppression of the more powerful individual. Add too, that when this impotence of the governors has produced, as it naturally *must* produce, a state of anarchy and confusion, they have been compelled to have recourse to the most violent methods to protect the state against either the attacks of foreign foes, or the cabals of factious and over-powerful citizens. Such was at Rome the appointment of a Dictator,

tor, or of a Consul armed with the dictatorial power, conveyed by that arbitrary and unlimited commission of—"videat Consul
 "ne quid respublica detrimenti capiat :"—such is in Poland, the yet more dreadful tyranny of a confederation.

Here no doubt, Sir, you will be disposed to tell me that I am teaching that doctrine, than which nothing appears to you to be more absurd ; I mean that the legislature of a free country is omnipotent *. This doctrine, absurd as it may appear to you, unpopular as you, and the party you serve, have endeavoured to render it, I always have, and always shall avow. I know of no bounds which can be set to the supreme power ; the very term of *supreme* power

* " Nothing can be more absurd than the
 " doctrine which some have taught with respect
 " to the omnipotence of parliaments.—If omni-
 " potence can in any sense be ascribed to a legisla-
 " ture, it must be lodged where all legislative au-
 " thority originates, that is, in the people." Ob-
 servations, p. 10.

pre-

precludes the idea *. I know of no instance in which the supreme power does or can give liberty against itself.

Is there then no difference between what is generally meant by a *free*, and what is generally meant by a *despotic* state? God forbid there should not. In a free state, besides civil or political liberty, the subject enjoys what is often confounded with it, though very different from it; I mean civil or political *security* †. This security

* The oath taken by the king at his coronation, is frequently urged as a proof that the *supreme* power not only *may* be, but actually *is*, circumscribed within certain bounds. The fact is, that this oath is not a *convention* between the *supreme* power and the *people*; but a promise only from *one* of the constituent *parts* of the supreme power.—A very different thing.—Each part may have certain limits, and yet the whole, united, be illimited.

† Montesquieu seems to have had this idea in view: he says “ La liberté politique dans un citoyen est cette tranquillité d’esprit qui provient de l’opinion que *chacun* a de sa *sûreté* *.”

* De l’Esprit des Loix, liv. xi. chap. 6.

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arises not from any limitation of the supreme power, but from such a distribution of the several parts of it, as shall best insure the greatest happiness of the greatest number. If this distinction could so be made, as to render the interests of the governors and governed perfectly undistinguishable, this end would be completely obtained, and the subject would enjoy *perfect* political security: this security is more or less perfect, as these interests are less or more distinguishable*.

In a state where the supreme power is distributed among different ranks or bodies of persons, against each of these ranks taken *separately*, there may be *liberty*: bounds may be prescribed to them; they, as well as individuals, may be restrained by Law: against the *whole* there can be *no* liberty; *United, they are Omnipotent*. “To
 “say that there is any act they *cannot*
 “do—to speak of any thing of theirs, at

* See this point fully and clearly discussed in a Fragment on Government, chap. iv.

“ being *illegal*—as being *void*,—to speak
 “ of their exceeding their *authority* (what-
 “ ever be the phrase)—their *power*—their
 “ *right*—is, however common, an abuse of
 “ language *.”

Very different are political *liberty* and
security from *power*. Yet these, Sir, you
 are perpetually confounding. Having de-
 termined that—“ of liberty such as you
 “ have described”—(and what that descrip-
 tion is we have already seen)—“ it is im-
 “ possible that there should be an ex-
 “ cess:”—you go on to assign proofs of
 this assertion.—“ Government is an insti-
 “ tution for the benefit of the people go-
 “ verned”—I perhaps should have said of
 all the people together, *governors* and go-
 governed.—But allow your position—
 what follows?—that *they*, the people go-
 verned, must “ have power to model the
 “ government as they *please*: and to say

* Fragment on Government, chap. iv. par.
 xxvi.

“ that

“ that they can have too much of this
 “ power, is to say that there ought to be
 “ a power in the state superior to that
 “ which gives it being, and from which all
 “ jurisdiction in it is derived *.”

This too, Sir, is among the mistakes which you have servilely copied from others. Long since had Montesquieu observed, speaking of those who confine all liberty to democracies—“ On a confondu
 “ le *pouvoir* du peuple, avec la *liberté* du
 “ peuple †.”

But though power be different from liberty and security, yet, to insure the possession of these to the people, may it not be necessary to vest the other in the hands of the people at large? You tell us that it is necessary: we humbly ask you for proofs.—Instead of proofs what do you give us? A confident repetition of the same assertion.—Happily however we need not depend on assertions; the experiment has

* Observations, page 9.

† De l'Esprit des Loix, liv. xi. ch. ii.

been tried. This is now therefore a question of fact. To fact let us appeal.

Look back to ancient Rome. At the very foundation of that state, the people were invested with a large share of power. It was they, we are told, who confirmed the laws which had been digested by the king and senate. Every thing relating to peace and war; the creation of magistrates, the election of the king himself, depended upon their suffrages *; and therefore they were free, for they themselves commanded what they themselves were to do, or bear. So at least *they* were told, and so too *we* are taught at school. They did not often perceive, nor are we directed to to observe, how very illusory the ceremony of giving their suffrages was rendered. How very easy it was to defer the taking of their suffrages, till some artful leader had secured a majority in his favour. How easy it was to make false decla-

* See Dion. lib. ii. Vertot's Revolutions of Rome, book i.

rations.

rations*. How easy it was, in cases where the votes had been fairly taken, and honestly declared, to evade the execution of those things which had been voted. How ill the citizen was defended against the abuse of power on the part of the magistrate, whom he himself had created.

The destruction of monarchy—so at least the people were taught to believe—extended and confirmed the liberties of the people. And I am apt to suspect, Sir, that had you in those days been to write a treatise on civil liberty, you would have taught the people that to be *free*, was to be governed by a *consul*; or a military *tribune*: that to be governed by a *king* was to be a *slave*: that this it was that “marked the limits, and drew the line between liberty

* A singular instance of this sort occurs in the little republic of Geneva. It is recorded by Mr. De Lolme in his treatise on the Constitution of England. By a manœuvre of the persons appointed to collect the votes, the words “*approbation*” and “*rejection*” were made to signify the same thing. See octavo edition in English, p. 235.

“ and

“and slavery.” Nor would you, I presume, have scrupled to assert that “a preciser idea than this, of liberty and slavery, could not have been formed.”

So it happened, however, this revolution gave neither happiness nor freedom to the people. They soon perceived it, and had recourse to the very remedy you propose: they increased their *own* power; magistrates were named out of their own body, and invested with a kind of *sacred* character, to enable them the better to defend the rights of the people. What followed? These magistrates employed all the power and influence of their office to repress, as they pretended, the tyranny of the Patricians, and extend the prerogatives of the people. But these were merely pretences. The real object was to secure to *themselves* a participation in the powers enjoyed by the Patricians. An equal division of lands, and an equal capability of being elected to public offices, were popular claims, and as defensible, I conceive,

as

as the greater part of those advanced in your Observations*. These, therefore, were constantly advanced by every factious tribune. Too wise indeed were they not to perceive the impossibility of carrying the Agrarian laws into execution. A measure of such violence must have overturned the state.—But then it was a signal of union. The people flocked to the standard of so liberal a chief. In the second claim, that of an equal capability of being elected to public offices, I allow that they were serious. The reason is obvious: who so likely to feel the benefits as themselves? More than a century was this point disputed. In the mean time what was the situation of the people? Were they free? Were they happy? No people can be free or happy where the judicial

* The capability of every member of the community to be chosen into public offices, is expressly declared by our author to be one of those circumstances, without which civil liberty cannot be enjoyed in its *perfect* state. Obs. p. 7.

and executive powers are not regulated and strong. Were they so at Rome? The proceedings of the judicial power were arbitrary, and varied almost as often as the judge was changed. It was oppressive, because arbitrary; it was ineffective, because weak. The greatness of a crime was often the security of the criminal. The murderers of the Gracchi, the butchers of more than four thousand citizens, lived and died with impunity.—Three hundred and seventy poor deserters could indeed be thrown down from the Tarpeian rock; but it was imputed as a crime to a consul, that he condemned some powerful citizens to death, who had been convicted of an attempt to burn the Capitol, to massacre the principal inhabitants, and overturn the constitution of their country.

The abuses of the executive power were not less glaring, nor less oppressive, than those of the judicial. If the people refused to submit to the commands of the ordinary magistrate, a Dictator was appointed. At his

his name People and Tribunes trembled alike: “nec adversus dictatoriam vim, aut
 “tribuni plebis, aut ipsa plebs, attollere *oculos*, aut *hiscere*, audebant. *” The people were then compelled to enlist, and to direct against foreign states that spirit, the turbulence of which the nobles found so troublesome at home. At their return what was their recompence?—Often to be thrown into prison for debts contracted either to furnish the expences of the campaigns, or to support their families, whilst the father, the brother, or the husband were shedding their blood in the service of their country. Under pretence of remedying this evil it was that the senate took occasion to assume to itself the power of taxation; that power which in a free state is, *you* say, unalienable from the people or its representatives: but so little did this self-governed people, whom you, after Montesquieu, declare to be “*extremely* free,”—so little did they conceive this to be an infringement of

* Tit. Liv. lib. vi.

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their

their liberties, that their own historian tells us, “ nihil unquam acceptum à plebe
“ tanto gaudio traditur : concursum itaque
“ ad curiam esse, prehensatasque exeun-
“ tium manus, Patres verè appellatos *.”

What was there to counterbalance all these disadvantages? They had the glorious privilege of being ever and anon assembled in the Forum ; of being consulted, of giving their suffrages on public measures.

Whilst this self-governed people were groaning beneath these multiplied oppressions, their tribunes never lost sight of their favourite object ; their *own* admissibility to all the public offices : they succeeded ; the distinction between Patricians and Plebeians was abolished.—What was the event ? This self-directed people soon completed their own ruin ; from that moment they became the tools of factious partisans : “ magis quorum in manu

* Tit. Liv. lib. iv.

“ Respublica quam ut incolumis fit
 “ quæri.*” The blind instruments of
 the ambition of a Marius and a Sylla ; a
 Pompey and a Cæsar ; an Antony and
 Augustus ; they sunk at last so low, if his-
 tory is to be believed, as to chuse a Horse
 for their Consul.

Is not this, Sir, an inviting picture of a
 self-governed people ? Is it exaggerated ?
 Look at Lacedæmon, at Athens ; were the
 miseries of the people, even of that small
 part of them I mean who were called *citi-
 zens*, very much inferior to those of the
 Romans ? Nor could it well be otherwise.
 Such is the nature of popular govern-
 ments, that the people cannot defend
 themselves against the artifices of the few,
 who are united together, who take an ac-
 tive part, whose station, and whose abili-
 ties will always put it in their power to
 direct the public resolutions to their own
 private emolument.

* Tit. Liv.

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In

In a word, Sir, the disadvantages of entrusting the work of legislation to the people at large, do not depend on local or transitory circumstances, but on causes universal and permanent; causes which acquire new energy in proportion as the nation increases in numbers and in wealth. In no time or country have the people at large had discernment to perceive, or leisure to learn, or steadiness to pursue, the best, or indeed any effectual means of guarding against the power and artifices of the few. The open outrages of a Coriolanus or an Appius they may perhaps repel; but they will be over-awed by the authority of a Scipio, and dupes to the artful blandishments of a Marius or a Cæsar. He who flatters with skill, will surely make them stilts to his ambition*.

* This subject has been fully illustrated by Mr. De Lolme in his excellent treatise on the English Constitution; which offers the best defence perhaps that was ever written of a limited monarchy against the madness of republican principles.

What

What remedy, nay what corrective, does *your* scheme of representation hold forth? None at all. Your representatives are mere puppets, without a will of their own; without a power of exercising their own judgment. The people are to think for them; all they have to do is to speak the words which my lords, the people, shall put into their mouths. Who does not see that all the disadvantages of having the laws enacted by the people at large remain undiminished, uncorrected, by thus reserving to them the power, not of offering, but *imposing* instructions *?

* What is it to be *subject* to the instructions of another? Implies it barely that the Instructor has a right to give his opinion on the matter in question; and that the person, to whom this opinion is offered, is bound to hear and consider it? Or does it not farther imply, that he is bound to be guided by it? Where then is the difference, whether the people at large enact their own laws, or prescribe to another what laws shall be enacted? We may perhaps be told that it is meant instructions should be given only in *extraordinary* cases; but let it once be established, that the electors have a right, not only

But government is a *trust*, and governors trustees.—There is a certain figure of speech, which Rhetoricians call *Tautology*; to this, my good Doctor, you seem to be very much addicted. Whether you have recourse to it from an overweening fondness for some of your favourite positions, or from a want of order and arrangement, or from some other cause, I will not take upon me to determine; all I have to regret in this matter is, that the man who takes upon him to answer you, is almost unavoidably, and sometimes insensibly betrayed into the same track. At this moment in particular I feel my danger: my Printer and I are unluckily separated from each other by many a weary mile; possibly therefore I may have said all I meant to say, and all that it was necessary I should say, on this idea,

only to *give*, Instructions, but to exact an implicit obedience to them, and that right will soon be exerted on every occasion.

which

which occurs frequently in your Observations ; namely, that government is a Trust. It met us, I remember, at the first outset of this section ; during the course of which, it meets us again and again. To make sure however of not repeating more than *once*—and that is twice less than you have done—allow me briefly to recapitulate my notions of civil *Liberty*, and political *Security*.

Civil or political *Liberty*, I apprehend, consists in this ; that no individual or body of subjects have the power of constraining another subject to do, or restraining him from doing, what the laws have not ordered him to do or to forbear. This then is created by law, and is bestowed on one subject, or number of subjects, upon whom the law does *not* operate, against all other subjects upon whom the law *does* operate.

Civil or political *Security*, I apprehend, consists in this ; that the *man*, or *body* of men, in whose hands government—the
supreme

supreme power in a state—the power of making and executing law—is lodged, shall so use this power, as may produce the greatest happiness of the greatest number. It is at first sight apparent, that political security cannot be produced in the same manner as civil liberty. This latter we have seen is produced by a positive operation of the law ; that is, by a positive act of those persons in whose hands is lodged the power of making and executing laws : but political security cannot be so produced, for this plain reason, because whatever produces it, is to operate against those very persons in whose hands the power is lodged.

Hence therefore I suspect, that when you say government is a *trust*, a *limited* trust, &c. there is a fallacy which lurks beneath the phrase.

If by the word *trust*, be meant no more than a power committed to one man, or body of men, and to be employed, not directly for the benefit of the persons so
com-

commissiomed, but chiefly for the benefit of others, and for their own only, in as far as they make part of one common society with those others: then the phrase of government being a trust, may be allowable enough. But if under the notion of a trust be involved the idea of a common superior, to whom both *Trustor* and *Trustee* are subject, and who has the power of punishing either of the two—(and this idea we have already had occasion to observe is involved under the term *trust*, when applied to individuals)—then government can by no means be called a trust.

How then are the people to be assured that the powers of government will be applied to the production of the greatest happiness of the greatest number? This security, we have already hinted, must be created by the manner of distributing the several *portions* of power, which, when united, form the *supreme* power: of arranging the functions of the several *classes*

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of governors, who, taken together, compose what is meant by *government*.

In this distribution and arrangement, it *may be*—I am ready to allow that it is—necessary, that one class of governors should be elected for a limited time, from among, and by a competent number of, that class of inhabitants, who are generally called the people. Because this I conceive to be the *most*, perhaps the *only*, effectual means of inseparably blending the interests of *governors* and *governed*.

But does it therefore follow, that the class of governors, thus elected, are the trustees of the electors, in the same sense as one private individual is the trustee of another private individual? Certainly not. If trustees there must be, the electors, being only a part of the people, and acting for the benefit of the whole, are themselves no more than trustees. But neither are trustees in the common, legal, acceptance of the word. If the electors give their

vote

vote to a man, whom the nation at large should disapprove, are they punishable? Can the electors recall the powers they have given? Can they punish what they may deem a misuse of them? Not without falling into all the confusion of a popular government, in which we have already said, whatever becomes of political security, civil liberty can hardly exist.

What then are the advantages of having different classes of governors, and one of these classes elective? Many.

At a given period this class will be re-incorporated into the common mass of people. This surely is no mean advantage. Men will be cautious what laws are enacted, if they themselves are to be subject to them.

Should it not only be *certain*, that this re-incorporation with the common mass of people, *must* happen within a given period, but *possible*, that it *may* happen sooner, by the volition of another, this elected class of governors will be careful to

provide, because it will be their interest to provide, that the change of condition from *governors* to *governed* shall not be confined entirely to themselves alone; should there be another class of governors, who hold their powers for no determinable period, and derive them from other sources, it will be provided that these too shall be in an alternate state of *submission* and *authority*, by being subject, as individuals, to the controul of the judicial power*.

* See Fragment on Government, chap. 1. par. xvii. In England, for all misdemeanors, that is, for all but capital offences, *Peers* are triable by the common course of the law; for capital offences they are tried by their com-peers; and there is, I believe, no instance on record of a failure of justice. Whence is *l'esprit du corps* so different in a British House of Peers and a Venetian senate? Why should a British Peer conceive the honour of the corps to consist in the impartial and public administration of justice on a member of the corps, and a Venetian conceive that it consists in withdrawing a member from justice, or at least screening him from public punishment?

The

The people have not, it is true, the power of controuling the elected class of governors by any positive act of theirs; nor, if they had it, could they ever properly apply it; but they have a more useful and more efficient controul in their influence. To this class at least the affections of the people are essential; to secure them, this class will give up privileges which are burthensome to the people; they will submit to regulate those privileges which are most liable to abuse. Nor will these concessions be confined to the elected class of governors: the other will not indeed be *compelled*—but what is of infinitely more importance, they will be *disposed* to follow, or even set, the example*.

* The last parliament, which has been so copiously abused, and which Dr. Price stigmatizes (along with the *present*, and *all* the Parliaments since the accession of George I.) “*as a conclave or junto of self-created tools* :” that Parliament, I say, affords us three very striking proofs of what is said above; in the Privilege act, the Grenville act, and (which may be considered as a complement to the

To close all ; should it be found expedient to trust in the hands of a single magistrate, or governor, a very great momentum of power, by this distribution of the several powers of the state, you may ob-

the last) the act (brought in by Mr. Gray of Colchester) for enabling the speaker to direct writs to be issued for the election of members in the room of such as might die during the recess of Parliament. On the subject of privilege, it is curious to observe the opposite language held by the same party. Towards the close of the twelfth parliament, the men, who now degrade themselves to the rank of attorneys ; who, cap in hand, promise to obey their masters, the electors, endeavoured to extend the privilege of parliament, even in all criminal matters, (which did not amount to what *they* chose to call an *actual breach* of the peace) to some thousands of people : to wit, to all the peers of England and Scotland, to all the members of the House of Commons, with all their children and servants. Towards the beginning of the thirteenth parliament these gentlemen tacked about. They now did not find it expedient to allow the whole collective body of Peers, or Commons, the right of protecting their own servants, or guarding their own proceedings, from misrepresentations.

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tain a right of *legal resistance* to that single magistrate, in whose hands the greatest weight of power is deposited*.

These, Sir, are some of the means by which the people may be assured that the powers of government will be employed to the production of the greatest happiness of the greatest number; means, which by checking the powers, and regulating the functions of each of the different classes of governors, create political *security*; and by leaving that *omnipotence*, which so

* To call a servant of the crown to answer, before the judicial power, for the execution to an illegal order of the crown, is a legal resistance of the authority of the crown. The King, by proclamation, ordered, not so much the levy of a new tax, as the commutation of one tax for another in the island of Granada. No objection was made to the quantum to be levied, nor to any oppressive circumstance in the mode of levying; the whole rested upon the right of the crown to make this commutation. The court of King's Bench gave judgment against the crown. The reader may see more instances of resistance, and of a stronger nature, in Mr. De Lolme, chap. xiv.

much

much shocks you, to all the classes *united*, ensures, what can no otherwise be ensured—Civil *Liberty**.

And here, Sir, our controversy might end. It appears, I think, that the first, the capital part of your work ; that, upon which all the rest is to depend, consists of propositions, which are no otherwise “ in-
“ capable of being *disputed*,” than as they are incapable of being *understood*. It appears that you either knew not, or did not chuse to tell us, what was meant, either by “ *Liberty, as such*,” or by *Right*. That you could not, or would not, tell us, how *Civil Liberty* and *Political Security* were created, nor how they may best be

* In a despotic state, where there is no code of laws, and where the judicial power is not restricted to certain modes of procedure, there will be neither political security, nor civil liberty. Such is the case in Turkey. In countries, where the judicial power is weak, and the executive power divided, there may be political security, but there can be no civil liberty. Such was the case in Rome : such is the case in Poland.

preserved;

preserved ; nor *to* whom, nor *against* whom they are given : that either from really misunderstanding, or wilfully mistaking the nature of liberty and right, you have no other notion of a *free* government than a total *absence* of government.

I will however trespass once more on your patience ; it shall not be for a long time. Two objects only shall I have in view : the one, to apply my own principles to the present contest between Great Britain and her Colonies ; the other, to point out to you, that, even allowing your positions to be, as you declare them, “ in-
“ capable of being disputed,” yet, according to your own shewing, “ the claims
“ of this kingdom are reconcileable to
“ your own principles of true liberty, and
“ legitimate government.” In this part of my letter you, Sir, will be your own answerer. In the mean time,

I am, &c.

O

LET-

L E T T E R I I I .

O F T H E

C L A I M S

M A D E B Y

GREAT BRITAIN on her COLONIES,

A N D T H E

M E A S U R E S

Used to enforce them.

L E T T E R III.

*Of the Claims made by Great Britain on
her Colonies, and the Measures used to
enforce them.*

REVEREND SIR,

I WAS about to examine the second part of your work, that part, for the sake of which all the rest was written ; that part where you so kindly do over again for your readers what they must, beyond all peradventure, have done already for themselves ; that part, in short, which you recommend to the *patient* and *candid* perusal of your readers, for this very singular reason—that it can have *no* effect on their judgment*.

* I too must bespeak the *candor* and *patience* of
of my readers, whilst I quote to them the Doctor's
own

But ere I came to it I was stopt all at once by a most unexpected hors d'œuvre, by a section, which, as it appears to me, has little to do with what goes before, and still less with what is to come after. The title of it is, "*Of the authority of ONE country over another.*"—What has this to do with the subject before you? About

own words, as a proof that I do not misrepresent him.

"In the foregoing disquisitions I have, from one leading principle, deduced a number of consequences that seem to me incapable of being disputed. I have meant that they should be applied to the great question between this kingdom and the colonies, which has occasioned the present war with them.

"It is *impossible but* my readers must have been all along making this application; and if they still think that the claims of this kingdom are reconcileable to the principles of true liberty and legitimate government, I am afraid that nothing I shall farther say will have any effect on their judgments. I wish, however, they would have the patience and candor to go with me, and grant me a hearing some time longer."—See Obs. p. 15.

as much, I suppose, as an enquiry into the influence of the moon upon the tides.

When you talk of *one* country and *another* country, it is plain you do not refer only to that *topographical* separation, which is caused by the intervention of mountains, or rivers, or seas; in a word, by any *local* boundaries, whether natural or artificial. You refer to that *political* separation which has nothing to do with topographical distinctions, but which constitutes those separate political societies, called *states*. The title of the section talks indeed of the authority of one *country* over another; but in the section itself the word *country* is dropt, and the word *state* is substituted in its place.

Would you then insinuate, that Great Britain and America are separate states, in the same sense as Great Britain and Spain? —Or, rather, that they were so previously to the present contest?

No part of the political community of Spain, neither *governors* nor *governed* are
under

under any degree of subjection to any part of the political community of Great Britain. Was that the case of America? You will not say it was. Either from, or very soon after, the first peopling of that part of British America, which was acquired by the bare act of settling it by emigrants from this country; and from the first acquisition of that part which has been acquired by conquest or by cession, those persons, in whom the supreme power of this country is vested, have regularly exercised their authority over those whom they have constantly called their subjects in America. The king, for instance, long before the present reign, had exercised by himself, or by a deputy named by himself, almost the same authority in America as in England. In many of the provinces he had exercised more; he not only named, but he reserved too the power of displacing those in whose hands the judicial power was lodged.—In conjunction with his Privy Council, he had exercised

exercised the power of deciding *en dernier resort* all civil causes of any consequence. —In conjunction with his Parliament he had exercised the right of regulating their internal concerns, and even of taxing them*. You allow that “ at the beginning of the present age the colonies were “ *in the habit* of acknowledging our authority †;” that is, the very authority manifested by the acts we have just mentioned. Now on this foundation, *this habit*, I conceive it is, that the authority of all governors principally depends. Here then the parallel fails.—Before the present contest America was not, with respect to Great Britain, *another* country, *another* state, in the same sense as Spain is.

Suppose a Spaniard to come to England, what is he in the eye of the law?—A stranger—an alien—a man of *another*

* All these instances of authority exercised before the present reign are cited, and, as far as it appears, approved, by Dr. Price. Obs. p. 27.

† Ibid. p. 24.

country. His person is protected: the property he brings over with him is protected: under certain restrictions and in certain modes he may encrease that property; but he may not convert personal into landed property; he may not even buy the house he lives in, much less may he exercise any act of political *power*: he may not become a part of the legislature, nor a magistrate; nor may he even give his suffrage for the election of either.—Suppose an American to come to England: to no one of these restrictions is he subject; he is not a stranger, an alien, a man of *another* country: he is a man of *this* country: he is a natural born subject: he may purchase land; he may be the first magistrate of the first city; he may be a member of the *legislature*. Here again, then, the parallel fails.

Clearly therefore Great Britain and America are not *one* and *another* country, in the same sense as Great Britain and Spain.

And

CLAIMS ON THE COLONIES. 107

And indeed you soon felt that you stood on slippery ground; quickly therefore did you change it; and what you had said about one country and another, that is, about two communities, totally independent of each other, you applied “to the case of different communities, which are considered as different parts of the same empire*.” You are afraid, indeed, that this application will appear “trifling.” Never was fear better grounded.

What is an empire? You have defined it.—“An empire,” you tell us, “is a collection of states, or communities, united by some common bond or tie†.” The Seven Provinces, the Swiss Cantons, come under this description; yet no man ever called them empires.—To speak the same language, to profess the same religion, to be bound by the same rules, is “to be united by some common bond or tie.” The different communities of Quakers,

* Observations, p. 13.

† Ibid. p. 14.

the different communities of Jews, the communities of Recolets, of Dominicans, of Capuchins, nay, even of Free-masons, according to your definition, form so many respective empires.—This, I think, you hardly intended to maintain.

Leaving therefore your definition of an empire to shift for itself, in company with the goodly tribe of your other definitions, let us enquire what is generally meant by people, who do not pique themselves on *correct ideas*, when they talk of an empire.

Every schoolboy knows that the term Emperor, *Imperator*, signified originally a commander in chief of an army; that is, by the way, a person invested with powers more extensive than any which were enjoyed by the ordinary civil magistrates. The title was sometimes given to a successful commander, by the *salutation* of the soldiers in camp. Being thus given as the reward of merit by the act of the people, the title acquired a certain degree of

of popularity. No man knows better than you, Sir, how much mankind is governed by sounds. Octavius knew it too. —When therefore he assumed the supreme power in Rome he chose this title, as that which was less likely to shock the people, than the odious one of King, or the terrible one of Dictator, Rome then became an *empire*. But did this change of title, from Republic to Empire, make any change in the relation the several parts of the community bore to each other? Were the points of union diminished?

There is to this hour a sovereign, who, no matter by what right, chooses to call himself the successor of the Cæsars, the emperor always august. Within the limits of this *empire* were a number of vassals, who found means to erect their fiefs into so many states, all independent each of the others; united, indeed, under one common chief, but by a tie so slender, that it is scarce perceptible to a common eye. It was probably with a view to this singular constitution

tution that you framed the vague definition you have given us of an empire.

But did America stand to Great Britain in no nearer relation than the several states of Germany stand to the Emperor of Germany? You may perhaps wish, but cannot say, it was so. The consent of the Emperor of Germany is not necessary to give validity to the laws of the several states of Germany; nor have the subjects of one state in Germany the rights of subjects in another. A subject of Austria is not a denizen of Hanover, nor a subject of Bavaria a denizen of Austria. In this sense then, Great Britain and America cannot be called an empire. For neither has the emperor been in the *habit* of exercising the same authority over the several states of Germany as the supreme power in Great Britain has always exercised over its subjects residing in America; nor have the subjects of the several states in Germany the same intercommunity of right

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right as the subjects of Great Britain and America.

The Roman empire was the largest in the known world ; and the pretended successors of these emperors, by some means or other, and, for a time at least, obtained a sort of pre-eminence in rank over the other sovereigns of Europe. Hence it sometimes happened, that as states encreased in power and extent, they assumed the name of empire. Thus men talk of the empires of the Turks, of Russia, and of Great Britain. But the term does not imply the idea of a “ collection of separate *states* or *communities* *.” It implies nothing more than one large united state.

Here then we may dismiss this section, which intrudes so unexpectedly upon us.

* The Doctor seems to consider the different provinces of the Turkish empire as so many distinct *states*. He might with as good reason say, that since the union of the Heptarchy England is an *Empire*, consisting of seven several states.

We

We are not enquiring into the authority which one state may exercise over another state, but into the authority which one part of a community, called governors, may exercise over another part of that same community, called subjects.

In examining the second part of your work, Sir, it is not my intention to follow you through all those divisions and subdivisions which, as you have stated them, serve only to perplex, instead of elucidating, the question*.

* Thus says the Doctor : " I will in the following sections enquire what the war with *America* is, in the following respects."

" 1. In respect of justice."

" 2. The principles of the constitution."

" 3. In respect of policy and humanity."

" 4. The honour of the kingdom."

" And lastly, the probability of succeeding in it." Obs. p. 33, 34.

Now that which is agreeable to the principles of the *constitution*, is it not just? *politically* just? Does not the policy of a measure imply a probability of its success, and exclude the idea of its being repugnant to the honour of the nation?

One

One distinction there is, which, as it appears to me, is well worth all your five divisions. You have not made it yourself; allow me to make it for you.—The distinction I mean is, between the *claims* made, and the *manner* of prosecuting those claims. These, for no very assignable reasons, you have chosen to confound under the one term of *war* *. We will consider them apart.

What are the claims made by the supreme power in *this* state upon that part of the subjects of *this* state who reside in America? “The power of making laws to bind them in all cases whatever.”—“Dreadful power indeed!” say you; “I defy any one to express slavery in stronger language.” But dreadful as

* By the last quotation it appears, that the Doctor does not take upon him to enquire what are the *claims* made upon the colonies; what has been the mode of prosecuting those claims; but he enquires, “what the *war* is;” and this too, after having most piously *curfed* it.

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this

this power may be, let me ask you, Sir, if this same power is not exercised by the same person over all the subjects who reside in all the other parts of this same empire? —It is.—Where then is the peculiar hardship? Why should that claim be *unconstitutional* with respect to one division of subjects residing at one place, which is perfectly constitutional with respect to all other subjects residing at any other place?

If indeed the subjects residing in America have any particular exemption from submission to that power, by which the subjects in all the other parts of the state are bound, where should one naturally expect to find it? In the *charters* granted to the colonies, and in the *practice* of former times. The former, namely the charters, might perhaps be considered as conventions, by which the supreme power consented to set certain limits to certain of its own operations. The latter, namely the practice of former times, might be considered as interpreting and fixing the sense
of

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of the charters. How strange then must it appear to a common reader, and at first sight, that you should not only *chuse* to try, but “ beg it may be *attended* to, that “ you have chosen to try this question by “ the general principles of civil liberty, “ and not by the practice of former times, “ or by the charters granted to the colonies *.” This is the more remarkable, as but a few pages before, when you chose to amuse yourself by reviving, for the pleasure of killing over again, a monster, which, for more than a century, has slept peaceably in his grave †, you seriously told us, that “ government is the creature “ of the people, the result of a *convention* “ between them and their rulers ‡.” In the former case, the charters form a sort of convention; a convention that can be produced when called for: every man

* Observations, p. 15.

† The divine hereditary right of princes.

‡ Observations, p. 10.

who pleases may read it. Therefore no liberal enquirer should pay any regard to it *. The question is to be decided by a rule, not quite so exact perhaps, but infinitely more easy of application—your *own* private *opinion*.—For that, after all, is the rule you mean, when you talk of *reason* and *equity*, and the *rights* of *humanity*. In the other case, namely that of the original compact, the convention is not to be produced; it exists no where but in imagination, and therefore by that are the rights of the governed, and the claims of the governors, to be tried. Strange, we have said, this must appear to a common reader, and at first sight; upon a little reflection you will appear at least consistent; for this compact, being unproducible, may, like reason and equity, be made to

* “ The question, with all liberal enquirers,
 “ ought to be, not what jurisdiction over them,
 “ precedents, statutes, and charters give, but what
 “ reason and equity and the rights of humanity
 “ give.” Obs. p. 15.

express

expres your own opinions, and to speak your own language.

I seldom dispute for trifles, Sir ; be it as you would have it. We will wave all advantage from charters ; the more readily, as the question has already been pretty fully handled *.

Where then are we to look for this exemption ? Positively granted it is not, unless in the very charters you reject, appeal to, and reject again. But it ought to be granted ; so you tell us. One reason, and one only, you assign for it, namely, that such is the situation of subjects residing in America, that their interests are not so inseparably blended, as are the interests of the subjects residing in Great Britain, with the interests of the governors of the state. “ *Here* the aids granted by the represent-

* In the Remarks on the thirteenth Parliament of Great Britain ; from what is there said upon the charters, one would by no means be tempted to conclude with Dr. Price, that “ the arguments *for* “ the colonies, drawn from these topics, greatly out- “ weigh the arguments *against* them.” Obs.p. 15.

“ *ed*

“ *ed* part of the kingdom must be proportionably paid by themselves,” (meaning, I suppose, the representatives); “ and the laws they make for others, they at the same time make for themselves. *There* the aids they would grant would not be paid, but received, by themselves; and the laws they made would be made for others only.—The people taxed, and those who tax, have separate interests; nor can there be any thing to check oppression besides either the abilities of the people taxed, or the humanity of the taxers *.”

Often have your readers, and much oftner has your answerer, to regret, that to the correctness of *ideas*, on which you pride yourself so much, you have not condescended to add a little more correctness of language. In the present instance I fear, Sir, we shall find neither the language nor the ideas to be correct. Hardly should I have thought it possible that

* *Obs.* p. 18.

any

any man could have crowded into so small a space so many misrepresentations.

The passage above recited is prefaced by two propositions, blended into one.

“ It is by no means true, that America
“ has no more right to be exempted from
“ taxation by the British parliament than
“ Britain itself.”

Here, I say, are two propositions; let us separate them, and supply the words that are wanting towards making them intelligible; they will then stand thus:

The British subjects, residing in Great Britain, have *no* exemption to plead against the power of taxation exercised over them by the parliament of Great Britain; but the British subjects, residing in America, *have* exemptions to plead.

Then follows a recital of these exemptions, or rather of the reasons, on which, if they be *not*, they *might* be, grounded.

—The first is this:—“ Here all free-
“ holders and burgeses in boroughs are
“ represented; there not one freeholder,

“ or

“ or any other person is represented.”— That is ; of the British subjects, residing in Great Britain, a certain *part*, to wit, freeholders and burgessees, are represented in the British parliament ; but of the British subjects, residing in America, not *one* is represented.

Now, Sir, can you seriously believe, that of the British subjects, residing in Great Britain, those only are represented who have the right of giving their suffrages in the election of representatives ?

What is it to represent a country ? The Durham and Chester acts tell us, it is “ to represent ”—that is, set forth,—display —“ the condition of the country represented.”—Take the word in this sense, and you will allow, I suppose, that the word *country* includes *all* the country, all the inhabitants. Take the word in a more extensive sense ; let it be to act in behalf, and to watch over the interests, of the country. Here too their function would extend to the interest of all the inhabitants,

habitants, by whomsoever they themselves be deputed ; whether by *all* the inhabitants or by certain *classes* of them only. In either, or in both, of these senses, the House of Commons represents not barely the electors, but *all* the inhabitants of Great Britain.

Why should not the same House of Commons, in the same sense, represent the British subjects residing in America ? Is it that they want, and that they cannot acquire, a competent knowledge of the condition of America ? Consider how many Americans ;—how many merchants trading directly to America ;—how many more connected indirectly with that trade there are, who sit in the House of Commons ; perhaps you may not then be so ready to conclude that there are not a sufficient number of members competent to represent the state and condition of America ?

Is it that the interests of the House of Commons are less inseparable from those

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of

of the British subjects residing in America, than from those of the British subjects residing in Great Britain? You shall answer for me, that they are not. Speaking of the British subjects, residing in America, you say, that previous to the present reign, —“ they paid our taxes ;—they enriched “ our merchants ;—they helped us to “ bear our growing burthens ;—they “ fought our battles ;—*all* their gains “ centered among us*.” “ It, namely America, “ has been one of the main “ springs of our opulence and splendor†.” Is it possible, Sir, that all these good things can have been done for us and we know nothing of the matter? These advantages are surely too glaring not to have been seen ; too important not to have been felt, by others as well as you, and the great orator, to whom you refer on this occasion. Our manufacturers must have known something of the matter; the va-

* Observations, p. 27. † Ibid. p. 29.

lue of lands must have been affected by it; our landholders would in time at least have discovered it.

Do you not perceive, Sir, that the accounts you and your friends are so frequently giving us, of the unparalleled encrease of the *population* and *trade* of the colonies*;—of our exclusive enjoyment of this trade;—of the effects of it on our manufactures; our navigation; our navy; our customs; on the funds, and the credit of the nation; on the rents, and the price of our lands;—of the importance of the colonies to our possessions in Africa and the West Indies:—Do you not perceive, I say, that all these are so many *proofs* with

* Speeches of Lord Chatham and Mr. Burke, Obs. p. 28.

So amazing, as we learn from Dr. Price, was this increase, that had it not been for our present disputes, all the inhabitants of Great Britain must in a few years more have turned manufacturers, for the supply of the colonial demands;—and, after all, without being *able* to supply the demands of our noble employers.

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which

which you yourselves are furnishing us, that the interest of the British subjects, residing in America, must be as dear to the members of the British parliament as the interests of the British subjects, residing in Britain; are so many *vouchers* that they *have been*; so many *pledges* that they must *continue* to be, equally consulted?

You, Sir, are a man of God: you are neither a manufacturer, nor a merchant, nor a land-holder; our funds you despise too much to be a stock-holder;—yet how perspicacious are you at discovering, how tremblingly alive at the approach of, every event which affects the prosperity of our trade and manufactures, the value of our lands, and the security of our funds! Why then should you suppose, that a British parliament, the members of which are holders of land and of stock, are manufacturers and merchants, should be so short-sighted as not to perceive, or so insensible as not to feel, or so imprudent as not to guard against, the same events?

According

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According to your *own* shewing, the interests of the British subjects residing in America, are as safe in the hands of a British parliament, as are the interests of the subjects residing in Britain. According to your own shewing, it appears that “the people taxed, and those who tax, have *not* separate interests:—that the British subjects, residing in America, need not trust to “the *humanity* of the taxers “to check, oppression;” that they have a surer, the only sure check in the *self-interest* of the taxers*.

* Though from the accounts to which I have referred above, it is clear that the reciprocity of interest is as *real* between the British Parliament and its subjects, residing in America, as between it and its other subject; still I allow it is not so *apparent*; and that the act of taxation ought, in policy, to create the circumstances which are wanting to render this reciprocity of interests not only as real, but as apparent; as well to those who are to *impose*, as to those who are to *pay* the tax.—See Remarks on the 13th Parliament, vol. i. p. 73—78.

Let

Let us return, Sir, to the second reason, on which you seem to think the British subjects, residing in America, might ground their claim of exemption from parliamentary taxation. It is this:—

“ *Here* the aids granted by the represented part of the kingdom must be proportionably paid by themselves;—*there* the aids they would grant would not be *paid*, but *received* by themselves.”

This paragraph contains sundry propositions; we must state each of them apart.

In the first place, here it is we learn, that when aids are granted by an act of the British parliament, to be levied on its subjects residing in Britain, in such case the aids are *not* granted by the British parliament, but by another body of persons, to wit, freeholders and burgesses.—For it is they only, as you have already told us, that are the represented part of the kingdom. Tell us then, my good Sir, how
came

came they by this exclusive right of granting aids? If to share in the *payment*, if tacitly to consent to—that is, not to *oppose*—the imposition and appropriation of a tax, be to *grant* an aid, then the aids are *granted*, not by the freeholders and burgesses only, but by all the inhabitants.—If to appoint the object to be taxed, the quantum to be raised, the mode of levying, and employing the sums *when* raised, be to grant an aid, then is it neither by the inhabitants at large, nor by the freeholders and burgesses of boroughs, but by the House of Commons; not by the represented*, but by the representors, that aids are granted.

Now, Sir, I allow what you *tell* us, that of all the taxes levied on the subjects, residing in Great Britain, the taxers pay their proportion. I allow, moreover, what you only *insinuate*, that this circumstance

* If the word *represented* had not stood in all the editions, I should have taken it for an error of the press.

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constitutes our great security, that the power of taxation shall not be abused.

But is it quite so sure that “*there*”—that is, when the British parliament imposes taxes on its subjects, residing in America—“the aids they”—meaning the British House of Commons*,—“grant will not be *paid* by them?”

Recollect once more, Sir, how many members of the British parliament are natives of America, have lands and property there, and you may perhaps be ready to allow that *many* of the taxers would pay their proportion of the tax directly : recollect once more your own account of the importance of the colonial trade to Great Britain, and you must allow that *all* must pay it *indirectly*.

But in what sense is it true, that in the case of the British parliament imposing a tax upon its subjects residing in America,

* The *aids* are granted by the House of Commons ; but the *tax* is *imposed* by the whole parliament.

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the tax would be *received* by the House of Commons? — The House of Commons grant *aids*;—to whom?—Not to themselves, but to the supreme executive magistrate, in trust, that he shall apply them to such particular uses as the same House of Commons points out. This is true, by whatever class of inhabitants, or in whatever part of the dominions, the grants are to be realised. The King then is the receiver; if by receiver you mean a *reservoir*, where the whole is collected, and whence it is to be dispersed through the appointed channels. But if by receiver you mean the person benefited by it, then the appropriation of the tax will determine the receiver.

Suppose then the British parliament, to impose a tax on its subjects residing in America, for the sole purpose of supporting the civil government in America, would you say the British House of Commons, or their immediate constituents, or the inhabitants of Great Britain, were re-

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ceivers

ceivers of this tax? Suppose there to be certain establishments, by which the subjects residing in Great Britain, and those residing in America, are equally benefited and protected: suppose the British parliament, to impose upon its subjects residing in America a tax, which, over and above the sums required for the support of their own civil government, should throw something into the common fund destined for the payment of these establishments, of which the advantages are common; you could not say, that either the House of Commons, or their immediate constituents, or the whole body of the inhabitants of Great Britain, were *receivers* of this tax; unless you had first proved that the quota paid by the inhabitants of America exceeded the proportion they ought to pay, all circumstances considered.

The next argument you advance, Sir, goes a little farther. It does not support the American claim to an exemption from parliamentary *taxation* only, but from all
par-

parliamentary *legislation*.—"Here the laws they make for *others*, they at the same time make for *themselves*; there, the laws they made would be made for *others only*." In these two propositions there is a mixture of truth and falsehood.

When the British parliament makes laws which are to bind all the inhabitants of Great Britain, the operation of these laws extends to its own members as well as others.—When it makes laws which are to bind only persons of a particular description, the operation of these laws *may*, or *may not*, extend to its own members: it will extend if they class themselves among the persons of the given description; otherwise if they do not. Thus, for instance, the operation of the laws against treason, murder, theft, bigamy, &c. extend without exception to *all* the inhabitants; the operation of the laws relating to victuallers is spent upon that class who are victuallers; the operation of the laws relating to the army and navy

is spent upon those who serve in the army or navy. Under certain qualifications then only is it true, that the members of the British parliament are bound by *all* the laws it makes for the inhabitants of Great Britain.

Under certain qualifications too may it be said, that the members of the British parliament are bound by the laws it makes for its subjects residing in America.—The laws relate, we will suppose, either to persons or to property*:—if to property, then the members of the British parliament, having property in America, the operation of these laws extends to that property:—if to persons, then the members of the British parliament, going to America, the operation of these laws will extend to their persons; just in the same manner as the operation of laws made for

* I use *property* here in the vulgar sense, for any thing over which a man may exercise the right of property.

persons

persons of a particular description in Great Britain extends to all who class themselves with persons of that description*.

Thus far as to the claim made by the supreme power of *this* state, over that part of the subjects of this state who reside in America—"The power of making laws to bind them in all cases whatever."—That the same power is exercised over the subjects residing in Britain, is confessed. Whether it be actually limited by any convention with respect to the subjects residing in America, you will scarcely allow us to prove or to disprove; since you absolutely reject the only documents by which this can be either proved or disproved; charters I mean, and the practice

* This was not the case with a *citizen* of Rome, when he went into a Roman province. A circumstance Dr. Price seems to have forgotten, when, towards the end of the first part of his Observations, he institutes a kind of parallel between Great Britain and her colonies, and Rome and her provinces.

of

of former times. That it ought to be so limited you roundly assert. You endeavour to support the assertion by proving that there is not the same reciprocity of interests between the parliament of Great Britain and its subjects in America, as between that same parliament and its subjects in Britain: in this proof you have failed.—The reciprocity of interests appears from your own shewing to be as *real*. The utmost you can say is, that it is not perhaps so *apparent*. From your own shewing too it appears, that whether it be so apparent or not, yet, till the æra of the present reign, the parliament has so exerted its power as if it were constantly apparent.

Since that happy æra then, what change has happened? What are the particular acts in which parliament has so exerted this power, as if it had lost sight of this reciprocity of interests? or so supported its claims, as if it meant to ease its subjects residing in Great Britain at the expence,
and

and to the injury, of its subjects residing in America?

The first instance you give us is the fifteenth act of the fourth of the present reign : What is your objection to it?— That it makes many alterations in an act of the sixth of George II. and that it declares the purpose of making provision for raising the revenue in America*.—Was this the assumption of a new, unacknowledged, power? Was it even a new mode of exerting an acknowledged power? Neither. All you can say against it is, that it honestly professes to do, what it actually does; what had been done before. The very act it alters was an exertion of the same power and in the same mode; the very act it alters *gave* and *granted* duties to the king, to be paid by the subjects residing in America. And this act, Sir, was passed in those times which it would be our happiness to recall; under that reign,

* Observations, p. 25.

to the policy of which it would be our happiness to return. So you tell us*.

Return to the policy of former reigns! we never quitted it. The change of policy you see was not begun on *this* side the Atlantic.—To an act of the British parliament, imposing a tax for the purpose of raising a *revenue* on its subjects residing in America, those subjects paid obedience in the reign of George II. To an act of parliament, imposing a tax on the same subjects, for the same purpose, those subjects refuse obedience in the reign of George III †.

* “How great would be our happiness could we now recall former times, and return to the policy of the last reigns.” Qbs. p. 27.

† “I am speaking of a change,” (is it said in the Remarks on the 13th Parliament) “but the great change was not in the *policy* of the mother country, but in the strength and situation of the colonies, &c.” The French seem to have been better acquainted with the temper of the North American colonies than we ourselves. Upon looking over some rough draughts of letters I had written to some friends in England from Constantinople,

The next act you object to is the *stamp-act*. If the former act of George II. was justifiable, why not this *? Considered as bare exertions of *authority*, they stand precisely on the same footing.—Peculiar indeed was the attention shewn to the sub-

tinople, (where I was at the close of the last war,) I find in one of them an account of a conversation I had at that time (viz. early in the year 1763) with Mr. de Vergennes, then ambassador from the court of France at the Porte, and now secretary of state for foreign affairs.—“ You are happy,” says he, “ in the cession of Canada :—we perhaps ought “ to think ourselves happy that you have acquired “ it.—Delivered from a neighbour whom they “ always feared, your other colonies will soon discover that they stand no longer in need of your “ protection.—You will call on them to contribute toward supporting the burthen they have “ helped to bring on you, and they will answer “ you by shaking off all dependence.”

* I take no notice of the unintelligible distinction between *external* and *internal* taxation. Perhaps the only answer this distinction ever merited, was the humorous one of a member of the Irish parliament: “ What a pothor” (says he, in his homely style) “ whether money is to be taken out “ of their *coat* or their *waiscoat* pocket.”

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jects residing in America by the minister who framed this act : the colonial agents were apprised of it before hand ; they were directed to consult with their constituents about it ; they were told that if any other modes of taxation were more agreeable to them, and equally productive to the state, that mode should, in preference, be proposed to parliament ; offers, in short, were made, not only of raising the aid now demanded in the way most agreeable to themselves, but of precluding all possible complaint in future, by obtaining that a competent number of representatives, chosen from among the British subjects in America, should sit in the British House of Commons*.

Considered as a mere act of power, we have said, the imposition of this tax stands upon the same footing as the act of the

* See Mr. Grenville's letter to Mr. Pownal, and other authorities, cited in the Remarks on the 13th Parliament.

sixth of George II. we may add, that it stands on the same footing as many other acts of *his* reign, of *preceding* reigns, and even of the time of the *commonwealth*.—

Here then one would have thought no objection could have arisen. Against the *sum* to be levied no objection could most certainly lie : that it exceeded their abilities they themselves do not pretend ;—that it would not pay the interest of the debt contracted on their account ;—that it would not pay one third of the annual expences of their civil and military establishments is what has been demonstrated* ;—to the *mode*, if they objected, they had it in their power to change it ;—if free from the pressure of *present* evil, they were terrified with the fear of *future possible* abuses, here too the ministry were disposed to co-operate with them in securing them against, even imaginary danger.

* See “The State of the Nation,” and “Considerations upon the Trade and Finances of this Kingdom.”

Instead of meeting offers so fair and candid, what did the Americans? They chose to deny the *right*; they broke out into acts little short of rebellion.—“Mistaken, weak, and inconsistent*.” I am ready to allow the policy of those men who repealed this act.

Upon a second exertion of the same power, the same outrages were committed; the same denial of the power, or right of parliament to impose taxes.

In this situation, Sir, what was parliament to do? We have already proved, that Great Britain and America are one undivided state†; that in *one* state, there

* Observations, p. 25.

† “It has been urged,” (says Dr. Price), “that such a right”—that is the right of making laws to be binding in all cases whatsoever—“must be lodged somewhere, in order to preserve the *unity* of the British empire.” “The pope claims the title and powers of the supreme head on earth of the Christian church, in order to preserve its unity.” Obs. p. 16.—Who can reason with a man who is capable of confounding things

can be but *one* supreme power, is a proposition so plain, that to *state*, is to *prove*, it; that this power is vested in the parliament, is what no man who understands our constitution has ever yet denied. Parliament has then a right to make laws, binding upon *all* its subjects; it is then the *duty* of all its subjects to obey those laws; every subject, or body of subjects, who refuses to obey them, is then liable to punishment; for well has it been said, —“ Duty is created by punishment *.”

What then are the subsequent acts of which you can neither “ think,” nor speak, “ with patience †,” which you call acts of “ blind rigor and violence ‡,” “ detested and cursed §?” What are they, after all, but necessary acts of *coercion*;

things so dissimilar? As unity—that is uniformity of *opinion*—with the unity that is, the entireness—of a *state*, or community.

* See Fragment on Government, chap. v.

† Observations, p. 27.

‡ Ibid. p. 25.

§ Ibid. p. 15.

acts,

acts, without which, the governors would have no right; the subject no duties *.

To examine each of these acts would be only to do over again what is already done to our hands †. It may however be amusing, if not instructive, to observe, how completely you or your friends have answered the objections you yourselves have made against them.

The Boston Port Bill you, Sir, candidly allow would have been proper, would have been the means only of “gaining a *sufficient* saving for the honour of the “nation ‡,” had it come alone, and unaccompanied with other more exceptionable acts. Vehement however has been the clamour against it, because, it is said, in one common punishment it *wantonly*

* I speak here only of the general *tenor*, not of all the particular provisions of these acts: some of the latter are certainly exceptionable.

† In the Remarks on the Acts of the 13th Parliament.

‡ Observations, p. 26.

involves

involves the innocent and the guilty.—
 What says the heaven-directed Congress
 to this argument? Hear their own words,
 in their own declaration of *war* against
 the British subjects residing in Britain*:
 —“Trusting that such of their friends in
 “Great Britain”—meaning friends to the
 Congress—“of whom it is confessed there
 “are *many* entitled to applause and grati-
 “tude for their patriotism and *benevolence*,
 “and in whose favour a discrimination
 “of property *cannot* be made, will impute
 “it to the authors of our common cala-
 “mities.”—Here indeed the Congress
 have made a discrimination which *cannot*
 rightfully be made: they have discrimi-
 nated between these *friends*, as they are
 called, entitled to applause and gratitude
 for their patriotism and benevolence, and
 the authors of our common calamities—
 in truth they are one and the same persons.

* See a Declaration of the Congress, dated March
 26, and published in Gaine's New-York Gazette
 of April 1, 1776.

To

To the bill for regulating the government of Massachusetts Bay you are more hostile. In *your* mouth at least the objection to it is singular:—"that it destroys the *chartered* government*;" that "it *violates* the charters." How often have you declared that "the question is *not* to be tried by *charters*; that it is to be brought to a higher test†;" "that you lay no stress on charters;" "that had there been express stipulations to this purpose"—namely, to the purpose of acknowledging the supreme authority of parliament—"in all the charters of the colonies, *they*"—meaning the British subjects residing in America—"would be no more bound by *them*,"—meaning the charters—"than if it had been stipulated with *them*"—meaning again the British subjects residing in America—"that they should go naked, or expose

* Obf. p. 26.

† Ibid. p. 15.

"them-

“ themselves to the incursions of wolves
“ and tygers.*”

Charters, be they considered as compacts, or conventions, or grants, are binding throughout ; one clause as well as another ; or they are not binding at all. Now you maintain, that no clause in the charters, which contradicts your notions of reason, and equity, and the rights of humanity, is binding ; that is just as if you had said charters are not binding at all. If they be not binding, they are as if never made ; all parties may act as if they never had been made. Where then is the crime, or indeed where is the *possibility*, of violating them ?

To the Quebec act you object, because it *establishes popery*. With an ill grace indeed, Sir, does this objection come from *you*. This act did not introduce and establish a *new* religion ; it only confirms an

* Obs. p. 18.

old and established one*; nor *that* does it confirm to the exclusion of any other. It establishes not this or that particular mode of religion, but religious *liberty*; even as the good Penn established it in Pennsylvania. What it does then, according to your own shewing, is no more than it could not avoid doing. Hear your own words:

“ Religious liberty is, in this respect, on
 “ the same footing as civil liberty. No
 “ people can lawfully surrender their re-
 “ ligious liberty by giving up their right
 “ of judging for themselves in religion, or
 “ by allowing any human being to pre-
 “ scribe to them what faith they shall em-
 “ brace, or what mode of worship they

* So very disingenuous and uncandid is Dr. Price, that he speaks of these two acts, namely, the introducing and establishing a new religion into a country, and the confirming an old established religion, as being perfectly similar. “ May we not even establish popery in the province”—speaking of the province of Massachusetts, where protestantism is the established religion—“ as has been lately done in Canada.” Obs. p. 20.

“ shall

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“ shall practise *.” The Canadians *were* Papists; they chose to continue so; to deprive them of any civil advantages would be to punish them for that choice; to punish them would be a violation of that religious liberty, without which man is “ a poor abject animal;” that liberty, in short, which you tell us can neither be surrendered by compact, nor taken from us by right of conquest, nor bartered for obligations conferred.

Your own authority will probably be more than sufficient to convince yourself; should it not, your god-like Congress shall come to my assistance. In one of their public papers indeed, addressed to the good people of England, they complain of the Quebec act, as “ establishing in Canada a “ religion which has deluged our own “ island with blood, and dispersed im- “ piety, persecution, murder, and rebel-

* Observations, p. 13.

“ *lian* *, through every part of the
 “ world.”—But this was only a copy of
 their countenances; their real sentiments
 are to be found in their address to the
 good people of Canada; to them they hold
 another language.—Having condoled with
 the Canadians on the rights to which it
 seems “ they are entitled, and ought in
 “ perfection to exercise,” the Congress
 asks them—“ And what is offered you
 “ by the late act of parliament in their
 “ place? Liberty of conscience in your re-
 “ ligion? No: *God gave it to you* †; and
 “ the temporal powers, with which you
 “ *have been* ‡, and *are connected, firmly*

* What definition would the Congress give of rebellion?

† An odd sort of present this from the Almighty. I mean liberty of conscience in—that is, a liberty of practising—a religion which disperses impiety, persecution, murder, and rebellion. The Congress seems to have acquired *correct* ideas under our very correct author.

‡ The temporal power with whom Canada *has* been connected means, I suppose, *France*. Does not this look like a kind of insinuation to the Ca-
 nadians,

“*stipulated* for your enjoyment of it. If laws *divine* or *human* could secure it against the despotic caprices of wicked men, it was secured before*.”—Can any thing be plainer; the Congress you see declare that this act grants nothing to the Canadians, but only confirms a divine grant; does nothing new, but only does over again what God, and nature, and nations had done for them already.

Liberal as I have been of complaints, Sir, where you have given cause of complaint, it becomes me to be grateful where you have given occasion for gratitude; and truly, Sir, there are many things for which an answerer ought to be grateful to you. Other writers are so cautious, and so sly, that they force you to go abroad

nadians, that they ought to call in the French to support their right to the very *thing* said to be now first given them by this obnoxious act, should that right be denied by the *temporal* power with whom *they are* connected?

* See these addresses in the votes and proceedings of the Congress, printed in 1774.

to

to look for facts and proofs to overturn their assertions: you are kind enough to bring them home to us. From yourself it is we learn how inefficacious it was likely that all mere legal remedies, that is, all commands from the parliament, addressed to its subjects in America, would prove. Speaking of the acts, which you say were "*offensive*" to the colonies, you inform us, that "the magistrates would not execute them, "juries would not convict upon them, and "consequently, like the pope's bulls, "which once governed Europe, they became nothing but forms and empty sounds, to which no regard was to be shewn *."

Under these circumstances, what more natural than for parliament to enquire into the reasons why magistrates would not execute,

* Obf. p. 12. This is given as the supposed situation of "a province subject to the sovereignty of a distant state."—It is added—"the late transactions in Massachusetts Bay are a perfect exemplification of what I have now said."

why

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why juries would not convict upon the laws? If upon enquiry the cause appeared to be the too great dependence of the magistrate and juries on those very persons against whom the laws were intended to operate; what more natural than to withdraw them from that dependence?

It is possible however that the commands which parliament might issue for effectuating these purposes would be as little regarded by the *people* as the commands before issued by the same parliament;—they would not probably be less *offensive*: it is possible that the execution of them might be opposed by open force.

Suppose this too to happen, what would then remain to be done? Change the scene from a province in America to a county in England. Suppose for instance the cyder countries had resisted the cyder act, in the same manner as the people of Massachusetts resisted the tea act; or suppose the good people of Suffex, or the people of any other county on the sea coast, should

should manifest the same resistance to the laws relating to the customs or excise ; suppose them to tender an oath, and by torture even to force the magistrates and the juries to take that oath, purporting that the one will not execute these laws, the other will not convict upon them—what would happen ? The chief executive magistrate, he who is sworn to govern *according to law*, would call the aid of the *military* in support of the civil power.—This the supreme executive magistrate has done in New England.

Suppose this supreme executive magistrate to have considered the insurgents in an English county as “ nothing but a
 “ mob, who would be soon routed and
 “ forced into obedience :” suppose him to have believed that a few of his troops
 “ might march through the whole county,
 “ and make all quiet wherever they went :”
 suppose him to have been mistaken :
 suppose that through the whole county
 “ the people fled immediately to arms, and
 “ repelled

“pelled the attack:” What then? Then it is most likely that he would increase the number and strength of the detachment, and proportion the forces he sent to the resistance he met with. This too has been done in New England.

Suppose the resistance to an act of Parliament not to be confined to a single district or county of Great Britain; suppose a more considerable part of the kingdom to join in it;—What would be done then? We need not ask what *would* be done: the case *has* happened: what *was* done? In the years 1715 and 1745 no inconsiderable part of the people of Scotland thought proper to oppose an *act of parliament*, namely, the act of *settlement*. In opposition to that act they attempted to dethrone a prince of the house of Hanover, and to reinstate a prince of the odious house of Stuart. What followed? Armies were sent against them;—to our own troops foreign troops were added; “a horrid civil war was commenced, and the empire

“ was distracted and convulsed *.” Did the Americans remonstrate against this measure at the time? Do they or their partisans condemn it now? I could not affront them so much as to make a question of their approving it. What was then the crime of the Scotch? That very crime, and no other, of which the Americans are now guilty. To resist the authority of parliament on the borders of the *Tweed* was treason; but now, on the shores of the *Atlantic*, it becomes *heroic virtue*.

“ German troops have been hired”—agreed—“ attempts have been made to gain the assistance of a large body of Russians†”—it may be so; we will suppose it is so—To what does all this

* Observations, p. 27.

† Ibid. p. 36. I defend only the measure of employing *German* troops against America; of the measure of introducing them *without consent* of parliament; of first refusing, then clogging, and then throwing out the bill of indemnity, I speak not—it belongs not to the present subject.

amount?

amount? That we have taken now the same means to suppress a rebellion in one part of the empire, that were taken thirty years ago to suppress a rebellion in another.—Did it follow *then*—“that English valour was insufficient to subdue” the Scotch? Let it follow now too that English valour is insufficient to subdue the colonies. The truth is, not *valour*, but *numbers* are wanting. Our army, thank heaven, is small. And would you, my good Doctor, who with a pale face and faltering voice insinuate, that “the terror of the standing army”—small as it now is—is yet sufficient in a trying moment “to deaden all zeal, and produce general acquiescence and servility*.”—Would you, I say, advise, that the *ordinary* establishment should be large enough for extraordinary emergencies? Or do you think the reduction of rebellious subjects in America will not be grateful, unless

* Obs. p. 12.

purchased by the danger of loyal subjects in Britain? Or would a war be without its horrors unless brother fight against brother?

“ But the wild Indians have been instigated to attack them *.” It may be so; we will suppose it is so; and what then? Force we have seen is become necessary to support the authority of parliament. That force which is most *easily* procured, and most likely to be *effective*, is the force which ought to be employed — Whether the instrument be a German or a Calmuck, a Russian or a Mohawk, makes, I trow, but little difference.

“ But their own slaves” — And why are you so shocked, Sir, at this idea? Do you think that the Congress would make any scruple of enlisting the servants of any of his majesty’s officers? According to your own principles, what are *servants* but *slaves*? In servants I presume “ the

* Observations, p. 36.

“ operation

“ operation of some cause comes in to re-
 “ strain the power of self-government,”
 and that you tell us is *slavery* *.

How came there to be slaves in your
 land of liberty? Are rights, which can
 neither be forfeited by conquest, nor
 ceded by compact, nor purchased by obli-
 gation, alienable by a change in the co-
 lour of the skin? Why did not these sons
 of liberty restore their slaves to rights,
 which the one could not acquire, nor the
 other alienate? Why keep them in the
 state of “ poor abject animals, without
 “ rights, without property, without a con-
 “ science, bending their neck to the yoke,
 “ and crouching to the will of every silly
 “ creature who has the insolence to pre-
 “ tend to authority over them †?”

Whether of the twain, think you, speaks
 the language of liberty; the planter, or
 the governor? The planter tells his slaves :
 —“ You are my *property*; I *bought* you ;

* Obs. p. 6.

† Ibid.

“ stay

“ stay with me; be faithful to me; fight
 “ for the honour of being my beasts of
 “ burthen?” What says the governor?
 “ See, my brethren, see your *masters*
 “ under arms against the authority of the
 “ state.—For what? Because they are not
 “ exempted from that power to which
 “ their ancestors, as well as all their fel-
 “ low-subjects in Great Britain have sub-
 “ mitted; because they are not indulged
 “ in privileges to which neither their an-
 “ cestors, nor their fellow-subjects in
 “ Great Britain, had ever before pretend-
 “ ed; because their imagination has been
 “ heated by artful men, and terrified with
 “ the apprehension of distant, improba-
 “ ble, almost impossible, dangers. But
 “ in you, my friends, no disputed privi-
 “ lege is attacked; neither distant nor
 “ doubtful are the dangers with which
 “ you are threatened; the loads which
 “ crush your limbs, the whip which har-
 “ rows up your back, are present, real,
 “ evils. Rise then, assist us to reduce
 “ your

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“ your tyrants to a due obedience to the
“ laws, and raise yourselves to an equality
“ with them.”

Such I conceive, Sir, might be the address of a governor to the slaves of a planter; and to my understanding there would be more of the genuine spirit of freedom in this address, than is to be found in all your Observations.

And here, Sir, I will take my leave of you. All I meant to do I have done. I have shewn, I think, that the power claimed by the British parliament over its subjects residing in America, is the same power which it exercises over all its other subjects.—That the reciprocity of interests between itself and its subjects in America is as real, if not as apparent*, as between itself and its sub-

* Had the Americans contended only in a *constitutional* way, as Durham, Chester, and Wales contended, to have this reciprocity of interests rendered more *apparent*, they would have found the warmest advocates in those who are now perhaps their warmest opposers.

jects

jects residing in Britain.—That the British subjects residing in America, having resisted the exercise of this authority, the parliament was compelled to use acts of coercion.—That the acts of coercion applied to them have been no other than it *would* have used, what it did use, against its subjects, under the same predicament, residing in Britain.—In a word, Sir, I think I have shewn, that the *claims* made by Great Britain on its colonies, and the means made use of to enforce those claims, are perfectly consonant to the principles of the constitution.

Farther than this I meant not to go. I meant not to set up again the men of straw, which you erected for the sole pleasure of beating them down *.

* Under this title I comprehend what the Doctor says (in pages 16, 17, 18, 19,) about “ the superiority of the British state ”—Britain being “ the parent state ; ”—“ having protected the colonies—“ the land on which they settled being “ ours ”—“ the defective state of representation in “ this kingdom ”—and the possibility of our becoming “ a nation of tame and contented vassals ; ”
—all

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I did not mean to correct the gross miscalculations you have made in your statement of the national debt, revenue, and expenditure *.

I did not mean to correct the gross miscalculations of which you are guilty in stating the real and comparative amount of our trade with the colonies †.

I did not mean to correct your erroneous statement of the quantity of specie which is in circulation in the kingdom ‡.

I did not mean to animadvert on the silly, childish notions, which would have disgraced a banker's clerk: that "paper" is a sign of a *sign*:" "that so far as in" "any circumstances specie is not to be

—all this has been answered much better than it deserves by the author of "Experience preferable" to Theory."

* This has been done by the author of "The Rights of Great Britain asserted."

† This has been done by Dr. Tucker in answer to Mr. Burke.

‡ This was done very fully by Lord North in the speech he made at opening the budget.

Y

pro-

“ procured in exchange for paper, it re-
 “ presents *nothing*; is worth *nothing* *.”

Much less did I mean to calculate the probability of succeeding in what you call *the war* with America, but what I should call *the suppression of the rebellion* in America- I have not before me, nor is it likely, my good Sir, that men in *our humble* stations of life, should have before us, the materials on which to form a judgment on a matter so complicated. Those who direct our public measures have, I know, infinitely more to lose than I have. If not on their virtue, on their interests I rely that they will calculate for me. From history indeed I learn, that what you tell

* This has been done by the author of “ *Cur-
 “ scry Observations on Dr. Price’s Essay.*” A nobler answerer indeed to this part of the Doctor’s performance is to be found in the *Earl of Shelburne*. Speaking in the House of Lords on the ability of the colonies to carry on the war, he said, “ *Money is one type of property; Paper is another.*” This is the language of a statesman: the good Doctor speaks like a book-keeper.

us

us *has* frequently been verified:—"A
 "handful is a match for millions *."—
 I trust it *will* be verified on the present oc-
 casion.—Nor is this confidence lessened
 because that handful goes to the field of
 battle with full stomachs and chearful
 countenances. Victory, I trow, will in-
 cline to him who has the strongest arm,
 and not to him who has the emptiest
 stomach †.

I am, &c. &c.

* Observations, p. 36.

† Ibid. p. 37. Where the Doctor recommends
fasting as a succedaneum to courage.

F I N I S.

